



AGENDA PACKET



Tuesday, May 15, 2018 at 3:30 PM

**Hainesport Municipal Bldg
1 Hainesport Centre
Hainesport, NJ**

WWW.BURLCOJIF.ORG

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND
Hainesport Municipal Building
1 Hainesport Centre
Hainesport, NJ
Tuesday, May 15, 2018 – 3:30 PM

AGENDA

- I. Meeting called to order by Chairman
- II. Salute the Flag
- III. Statement of Compliance with Open Public Meetings Act
 - A. Notice of this meeting was given by:
 - 1. Sending sufficient notice herewith to the ***Burlington County Times***, Mount Holly, and ***Courier Post***, Cherry Hill NJ;
 - 2. Filing advance written notice of this meeting with the Clerks/Administrators of all member municipalities; and
 - 3. Posting notice on the public bulletin boards of all member municipalities of the BURLCO JIF.
- IV. Roll Call
 - A. Fund Commissioners
 - B. Fund Professionals
 - C. Risk Management Consultants
 - D. Move up Alternates (*if necessary*)
- V. Allow that this monthly meeting be conducted directly by the Fund Commissioners present with all matters to be decided upon by a combined majority vote of all Fund Commissioners – **Motion – All in Favor**
- VI. Approval of Minutes
 - A. Adoption of the **April 17, 2018** Meeting Minutes.....Pages 1-12
 - B. Adoption of the **April 17, 2018** Closed Session Minutes.....Handout

Motion to Adopt the above meeting minutes – **Motion – All in Favor**

The Closed Session Minutes shall not be released to the public until the reason(s) for their remaining confidential is no longer applicable and the Fund Solicitor has an opportunity to review them.
- VII. Executive Director's Report.....Pages 13- 63
 - A. Lost Time Accident Frequency.....Pages 17-18
 - B. Certificates of Insurance..... Pages 19-24
 - C. 2017 Safety Incentive Program Awards.....Page 25
 - D. 2018 Optional Safety Budget.....Page 26
 - E. 2018 Wellness Incentive.....Page 27
 - F. Employment Practices Liability Coverage UpdatePage 28
 - G. EPL/Cyber Risk Management Budget.....Page 29
 - H. EPL Helpline – Authorized Contact List.....Page 30
 - I. Financial Fast Track Report.....Page 31
 - J. Regulatory Filing Checklists.....Pages 32-33
 - K. Capehart & Scatchard Updates.....Pages 34-39
 - L. Statutory Bond Status.....Page 40
 - M. Skateboard Park Approval Status.....Page 41

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O.	Website	
P.	Police Command Staff Training – Invite.....	Pages 42-43
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S.	RMC Roundtable	
T.	MEL 2019/2020 Employment Practices Liability Program.....	Pages 47-63
U.	New Member Activity	
VIII.	Solicitor’s Report	
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B.	Beach Signage.....	Discussion
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E.	MSI: BURLCO Attendance.....	Page 82
X.	Claims Administrator’s Report	
A.	Lessons Learned from Losses –May 2018.....	Page 83
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A.	Monthly Activity Report.....	Page 84
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XIII.	Treasurer’s Report as of April 30, 2018	Pages 100-131
A.	Investment Report	
B.	Loss Run Payment Registers	
C.	Fund Status	
D.	Disbursements	
E.	Bill List – May 2018.....	Page 132
F.	Motion to approve the Payment Register & Bill Lists– Motion – Roll Call	
XIV.	Committee Reports	
	Nothing to Report	

XV. MEL/RCF/E-JIF Reports

- A. EJIF Alert: Changes to the UST Regulation.....Pages 133-135
- B. EJIF Alert: Storm water Permits.....Pages 136-137

XVI. Miscellaneous Business

- A. Authorizing the Executive Director and the Fund Solicitor to prepare, solicit, and receive RFQ's for the EPL, Liability, and Workers Compensation Defense Panel – **Motion – All in Favor**

<p style="text-align: center;">The next meeting will be held on Tuesday, June 19, 2018 at 3:30 PM at Hainesport Municipal Building, Hainesport, NJ</p>

XVII. Meeting Open to Public Comment

- A. Motion to Open Meeting to Public Comment – **Motion - All in Favor**
- B. Motion to Close Meeting to Public Comment – **Motion - All in Favor**

XVIII. Closed Session – Resolution 2018- _____ Authorizing a Closed Session of the Burlington County Municipal Joint Insurance Fund to discuss matters affecting the protection of safety and property of the public and to discuss pending or anticipated litigation and/or contract negotiations – **Motion -Roll Call**

- A. Professionals' Reports
 - 1. Claims Administrator's Report
 - a. Review of PARs over \$10,000
 - 2. Executive Director's Report
 - 3. Safety Director's Report
 - 4. Solicitor's Report
- B. Reopen Public Portion of Meeting – **Motion – All in Favor**

XIX. Approval of Claims Payments – **Motion – Roll Call**

XX. Authorization to Abandon Subrogation (if necessary) – **Motion – Roll Call**

XXI. Motion to Adjourn Meeting – **Motion – All in Favor**

**BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND
CAFÉ MADISON
33 LAFAYETTE ST
RIVERSIDE, NEW JERSEY**

April 17, 2018

OPEN SESSION MINUTES

A meeting of the Burlington County Municipal Joint Insurance Fund (BURLCO JIF) was held at Café Madison, 33 Lafayette Street, Riverside, New Jersey, Tuesday, April 17, 2018 at 3:30PM, prevailing time. Chair Keller, **Springfield**, presiding. The meeting was called to order at 3:30PM.

FLAG SALUTE

STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETING ACT

Notice of this meeting was given by: (1) sending sufficient notice herewith to the ***Burlington County Times***, Mt. Holly, NJ, and to the ***Courier Post***, Cherry Hill, NJ; (2) filing advance written notice of this meeting with the Clerks/Administrators of all member municipalities of the Burlington County Municipal Joint Insurance Fund; and (3) posting notice on the public bulletin boards of all member municipalities of the Burlington County Municipal Joint Insurance Fund.

ROLL CALL

Rich Wolbert, **Beverly City**
Grace Archer, **Bordentown City**
Dean Buhrer, **Bordentown Twp.**, *Alternate*
Glenn McMahon, **Chesterfield Twp.**
Mike Templeton, **Delanco Twp.**
Jeff Hatcher, **Delran Twp.**
Patrice Hansell, **Fieldsboro Twp.**
Richard Brook, **Florence Twp**
Paula Kosko, **Hainesport Twp.**
Brandon Umba, **Lumberton Twp.**, *Alternate*
Representative, **Mansfield Twp.**
Kathy Burger, **Medford Twp.**
Mary Picariello, **North Hanover Twp**
Scott Pearlman, **Palmyra Borough**, *Alternate*
Dennis Gonzalez, **Pemberton Twp**
Meghan Jack, **Riverside Twp.**
David Matchett, **Shamong Twp.**
Kathy Hoffman, **Southampton Twp.**
J. Paul Keller, **Springfield Twp.**
Doug Cramer, **Tabernacle Twp.**
Maria Carrington, **Westampton Twp**

Absent Fund Commissioners were:

Amanda Somes, **Bass River Twp.**
Tom Pullion, **Edgewater Park Twp.**
Jerry Mascia, **Mt. Laurel Twp.**

Donna Mull, **Pemberton Boro**
Maryalice Brown, **Woodland Twp.**
James Ingling, **Wrightstown Borough**

Those also in attendance were:

Paul Miola, Executive Director, *AJG Risk Management Services, Inc.*
Paul Forlenza, Deputy Executive Director, *AJG Risk Management Services, Inc.*
Scott DeWeese, Esquire, *The DeWeese Law Firm, P.C.*
Tom Tontarski, Treasurer
John Saville, Safety Director, *J.A. Montgomery Risk Control*
Chris Roselli, Account Manager, *Qual-Lynx*
Patty Davidson, WC Manager, *Qual-Lynx*
Karen Beatty, *QualCare*
Debby Schiffer, *Wellness Director*

Also present were the following Risk Management Consultant agencies:

CBIZ Benefits & Insurance Services....arrived 3:47pm
Hardenberg Insurance Group
Conner Strong & Buckelew

Absent Risk Management Consultant agencies:

EJA/Capacity Insurance
Insurance Agency Mgmt.

These minutes do not necessarily reflect the order in which some items were discussed.

CONDUCT OF MONTHLY MEETING

Motion by Ms. Jack, seconded by Mr. Cramer, to allow that this monthly meeting to be conducted by the Fund Commissioners present with all matters to be decided upon by a combined majority vote of all the Fund Commissioners. All in favor. Motion carried.

APPROVAL OF THE OPEN & CLOSED SESSION MINUTES

Chair Keller presented the meeting minutes of the March 20, 2018 meeting of the Fund, as found in the agenda packet, for approval and announced a verbal amendment to the March 20, 2018 minutes to include Pemberton Boro, Debbi Vallari, Alternate, as present.

Chair Keller asked if there were any questions at this time. No questions were entertained.

Motion by Mr. Cramer, seconded by Ms. Jack, , to approve the Open & Closed session meeting minutes of the March 20, 2018 meeting of the Fund as amended.

Motion carried. Abstentions were heard from Mr. Wolbert and Ms. Archer

The Closed Session minutes of the March 20, 2018 meeting shall not be released to the public until the reason(s) for their remaining closed is no longer applicable and the Fund Solicitor has had the opportunity to review them.

Closed Session Meeting Minutes from the March 20, 2018 meeting were collected at this time.

EXECUTIVE DIRECTOR'S REPORT

Mr. Miola reviewed the Executive Director's Report found in the agenda packet with the membership. He highlighted the following items:

2018 Optional Safety Budget - Mr. Miola asked that all members review available balances for this program, and to contact the Executive Directors office or your RMC with any questions.

2018 Wellness Incentive Program Allowance – Mr. Miola asked that all members review available balances for this program and to contact the Executive Director's office or your RMC with any questions.

Employment Practices Liability Coverage Update – Mr. Miola asked the members to please review this spreadsheet for accuracy.

EPL/Cyber Risk Management Budget – Mr. Miola noted the JIF has budgeted \$500 for each member to help offset employment practice and cyber security related expenses. This budget can be a valuable resource to members in addressing these areas of exposure. If you need additional information regarding this program, please contact our office.

EPL Helpline – Authorized Contact List – Mr. Miola asked members to review the attached list for accuracy. He noted any changes must be done by Resolution and the Resolution for this is available on the JIF website at www.burlcojif.org. Please contact the Executive Director's office with any questions.

Financial Fast Track – Mr. Miola noted the “snapshot” was included in the agenda packet and as of February 28, 2018, the JIF's surplus position was \$11,437,128.

Regulatory Filing Checklists – Mr. Miola stated included in the agenda were two regulatory filing checklists that we provide each month as part of our due diligence reporting on behalf of the JIF. These checklists provide an outline of required reporting to the Departments of Banking and Insurance and Community Affairs on an annual and a monthly basis, and the status of the items outlined.

Statutory Bond Status – Mr. Miola stated that attached to his report is the latest listing of Statutory Bonds issued by the MEL for JIF members. This list should be reviewed for accuracy. Any questions on the status of an application or a listed bond should be directed to Cate Kiernan at PERMA. Cate can be reached at 201-518-7031.

Elected Officials – Online – Mr. Miola noted that earlier this month, the MEL announced the availability of online training for elected officials via the MEL Safety Institute. Elected officials that complete the online training session by May 1, 2018 will also be eligible for the \$250 per elected official credit. The total credit is limited to 5% of a member's 2018 MEL Assessment. Instructions on how to access the online training are available on the MEL website; www.njmel.org.

Police Command Staff Training -Mr. Miola noted Risk Management Training for Police Command Staff has been scheduled. Attendance at this training by Police Command Staff is required for compliance with the MEL's 2019/2020 EPL Plan of Risk Management. Invitations for the sessions were e-mailed to all Municipal Clerks and Fund Commissioners on January 10, 2018. There will be two (2) identical sessions each day: a morning session 9:00 am – 11:30

am, and an afternoon session 1:00 pm – 3:30 pm. The sign-in sheets from February 13, 2018 are posted on the JIF website. The remaining training dates are scheduled as follows:

April 26, 2018 – Nicolosi's Catering, West Deptford
June 12, 2018 - O'Connor's, Eastampton
June 28, 2018 – Merighi's Savoy Inn, Vineland

Managerial & Supervisory Training – Mr. Miola reminded the members that one of the requirements of the MEL's 2019/2020 EPL Plan of Risk Management is the training of all member managers & supervisors. Four training sessions have been scheduled in conjunction with the TRICO and ACMJIFs. Invitations for the sessions were e-mailed to all Municipal Clerks and Fund Commissioners on February 2, 2018. There will be two (2) identical sessions each day: a morning session 9:00 am – 11:30 am, and an afternoon session 1:00 pm – 3:30 pm. The sign-in sheets from March 6, 2018 are posted to the JIF website. The trainings have been scheduled on the following dates:

May 8, 2018 – Merighi's Savoy Inn, Vineland
September 11, 2018 – Wildwood Convention Center
September 27, 2018 – Nicolosi's Catering, West Deptford

New Fund Commissioner Orientation -Mr. Miola noted that his office will be conducting New Fund Commissioner Orientation training prior to the Executive Committee Meeting on May 15, 2018 at 1:30 PM in Hainesport. An email notification with further details was sent out to all Fund Commissioners and RMC's on or about April 4, 2018.

Quarterly Attendance Report- Mr. Miola noted a report detailing attendance records through the first quarter of the 2018 Fund Year is attached for your review.

Financial Disclosure Statement - Mr. Miola stated in 2014, the Division of Local Government Services implemented a new "on line" process for completion and submission of Financial Disclosure forms. Each Fund Commissioner has a unique PIN # for which to file as their position of Fund Commissioner with the JIF. Newly assigned Fund Commissioners receive their Filing PIN # from our office once we are notified of their assignment and have 30 days from their day of assignment in which to file. Any newly appointed Fund Commissioner that has not yet received their PIN# from the Executive Director's office, or has any questions, should contact Kris Kristie at 856-446-9136.

Mr. Miola stated that concluded his report and asked if there were any questions at this time. There were none.

SOLICITOR'S REPORT

Closed Cases – Mr. DeWeese reported that there were no closed cases since the March 20, 2018 meeting.

Chair Keller presented the following Resolution and Motion for authorization:

Resolution 2018-25 Authorizing the Release of Fund Year 2017 Closed Session Executive Committee Meeting Minutes

Resolution 2018-25, Authorizing the Release of Fund Year 2017 Closed Session Executive Committee Meeting Minutes

Motion to Adopt the Revised Tort Claims Questionnaire

Chair Keller asked for a Motion to Adopt the Revised Tort Claims Questionnaire as presented at last month's meeting.

Motion by Ms. Jack, seconded by Mr. Cramer, to Adopt Resolutions 2018-25 and the Adoption of the Revised Tort Claims Questionnaire as presented.

ROLL CALL	Yeas	Rich Wolbert, Beverly City Grace Archer, Bordentown City Dean Buhner, Bordentown Twp., Alternate Glenn McMahon, Chesterfield Twp. Mike Templeton, Delanco Twp. Jeff Hatcher, Delran Twp. Patrice Hansell, Fieldsboro Twp. Richard Brook, Florence Twp Paula Kosko, Hainesport Twp. Brandon Umba, Lumberton Twp, Alternate Kathy Burger, Medford Twp. Mary Picariello, North Hanover Twp Scott Pearlman, Palmyra Borough, Alternate Dennis Gonzalez, Pemberton Twp Meghan Jack, Riverside Twp. David Matchett, Shamong Twp. Kathy Hoffman, Southampton Twp. J. Paul Keller, Springfield Twp. Doug Cramer, Tabernacle Twp. Maria Carrington, Westampton Twp
	Nays:	None
	Abstain:	None

Mr. DeWeese asked if there were any questions at this time. There were none.

SAFETY DIRECTOR'S REPORT

Mr. Saville stated that the Safety Director's Report is self-explanatory. He highlighted the following items:

MEL Video Library – He noted this has been updated recently, so please utilize it. If a copy of the video library titles is needed, you can find it at the MEL or JIF website. He also pointed out there is a new email address: melvideolibrary@jamontgomery.com, and phone number: 856-552-4900.

Safety Director's Bulletins – He noted that there was (1) bulletin(s) included in the agenda;

- *Spring and Playground Inspections*

Mr. Saville emphasized that with Spring here, now is a great time to inspect the playgrounds and review your Playground Maintenance Program.

Right to Know Update – He noted that in addition to the annual Right to Know services, included in this year's contract is an electronic Central file link which is being distributed to each member town through a Dropbox link and it is anticipated that all members will be emailed the links by Spring 2018. Once the online chemical inventory has been completed, this will allow the following information to be filed in the States RTK portal for each member:

- Safety Data Sheets
- Hazardous Substance Facts Sheets
- Right to Know Survey
- Written Hazardous Communication Program
- Training Documentation
- Right to Know poster
- Instructions on how to download, store, and share the files with affected departments and employees.

MSI Class Listing– Mr. Saville referenced the list of MSI Classes that are available in April, May, and June that are included in the agenda packet.

Mr. Saville asked if there were any questions at this time. No questions were entertained.

CLAIMS ADMINISTRATOR'S REPORT

Lessons Learned from Losses – April

Mr. Roselli presented the Lessons Learned from Losses for April which reviewed Mower Safety.

Mr. Roselli reviewed safety tips for operating lawn mowers and other safety tips to follow when cutting grass. Mr. Roselli also reviewed examples of claims involving a lawn mower with incurred costs of \$92,000 and \$173,000 that easily could have been prevented. Neither claim involved the mower blade.

Mr. Roselli asked if there were any questions at this time. No questions were entertained.

WELLNESS DIRECTOR'S REPORT

Ms. Schiffer noted that her report is detailed in the agenda packet. She highlighted the following:

- April presentations: Edgewater Park-Portion Control Lunch and Learn; Delanco- Portion Control and Healthy Swap Out Lunch; Medford – Stress Management Lunch and Learn; North Hanover – Move for Better Health Lunch and Learn
- Hainesport will be doing a monthly Smoothie starting in May, and Medford will be holding a Smoothie demo in May.
- April Challenges: Bordentown Twp. – Home Run Challenge; Florence – Maintain Don't Gain and Home Run Challenge
- Safety/Wellness Meetings that Ms. Schiffer will attend: Lumberton, Hainesport, Riverside, Pemberton Twp., and Westampton
- Ms. Schiffer noted in her News Letter this month is National Humor Month, and laughter is a good stress reliever.
- Ms. Schiffer reminded everyone if you are planning any event, please let her know so she can help and share with other members.

- Lastly, she reminded the members to use NJWELL and work towards earning \$250 by completing health and wellness screenings along with other activities by October 31, 2018. www.state.nj.us/treasury/pensions/njwell/

Ms. Schiffer asked if there were any questions at this time. No questions were entertained.

MANAGED HEALTH CARE REPORT

Ms. Beatty reviewed the Managed Care Report for March, 2018 noting there were twenty-four (24) claims reported.

Lost Time v. Medical Only Cases

Ms. Beatty presented the BURLCO JIF *Lost Time v. Medical Only Cases (Intake Report)*:

	<i>March</i>	<i>YTD</i>
<i>Lost Time</i>	3	13
<i>Medical Only</i>	11	29
<i>Report Only</i>	10	19
<i>Total New Claims Reported</i>	24	61
<i>Report Only % of Total</i>	41.7%	31.1%
<i>Medical Only/Lost Time Ratio</i>	79:21	69:31
<i>Average Days to Report</i>	2.9	4.4

Transitional Duty Report

Ms. Beatty presented the March Transitional Duty Report:

<i>Transitional Duty Summary Report</i>	<i>March</i>
<i>Transitional Duty Days Available</i>	506
<i>Transitional Duty Days Worked</i>	254
<i>% of Transitional Duty Days Worked</i>	50.2%
<i>Transitional Duty Days Not Accommodated</i>	252
<i>% of Transitional Duty Days Not Accommodated</i>	49.8%

PPO Penetration Report:

Ms. Beatty presented the PPO Penetration Report:

<i>PPO Penetration Rate</i>	<i>March</i>
<i>Bill Count</i>	158
<i>Original Provider Charges</i>	\$366,956
<i>Re-priced Bill Amount</i>	\$177,838
<i>Savings</i>	\$189,118

<i>% of Savings</i>	<i>51.5%</i>
<i>Participating Provider Penetration Rate - Bill Count</i>	<i>89.2%</i>
<i>Participating Provider Penetration Rate – Provider Charges</i>	<i>94.7%</i>
<i>EPO Provider Penetration Rate - Bill Count</i>	<i>78.9%</i>
<i>EPO Provider Penetration Rate – Provider Charges</i>	<i>92.2%</i>

Ms. Beatty asked if there were any questions. No questions were entertained.

TREASURER'S REPORT

Mr. Tontarski presented an overview of the Treasurer's Report for month ending **March 31, 2018** a copy of which was provided to the membership in the agenda packet.

Investment Interest

Interest received or accrued for the reporting period totaled \$ 26,717.20. This generated an average annual yield of 1.70%; however, after including an unrealized net gain of \$6,627.00 in the asset portfolio, the yield is adjusted to 2.12% for this period. The total overview of the asset portfolio for the Fund shows an overall unrealized loss of \$261,897.06 as it relates to current market value of \$17,706,002.54 vs. the amount we have invested. The current market value; however, when considering the total accrued income at month end is \$17,773,351.84.

Our asset portfolio with Wilmington Trust consists of eight (8) obligations with maturities greater than one year.

Receipt Activity for the Period

	Monthly	YTD
Subrogation Receipts	\$203.00	\$53,850.01
Overpayment Reimbursements	\$90.00	
Salvage Receipts	\$0	
FY 2018 Premium Assessments	\$247,710.00	
FY 2018 Approp. Refunds	\$250.00	
FY 2017 Approp. Refunds	\$142.00	

A.E.L.C.F. Participant Balances at Period End

Delran Township	\$65,150.00
Chesterfield Township	\$1,068.00
Bordentown City	\$37,723.00
Bordentown Township	\$13,723.00

Cash Activity for the Period

During the reporting period, the Fund's "Cash Position" changed from an opening balance of \$18,941,510.55 to a closing balance of \$18,828,523.63 showing a decrease in the Fund of \$112,986.92.

Loss Run Payment Register – March 2018

Mr. Tontarski stated that the report included in the agenda packet shows net claim activity during the reporting period for claims paid by the Fund and claims payable by the Fund at period end in the amount of \$291,349.97. The claim detail shows 237 claim payments issued.

Bill List – April 2018

For the Executive Committee's consideration, Mr. Tontarski presented the April 2018 Bill List in the amount of \$837,671.61.

Chair Keller entertained a motion to approve the March 2018 Loss Run Payment Register and the April 2018 Bill List in the amount of \$837,671.61 as presented.

Chair Keller asked if there were any questions at this time. No questions were entertained.

Motion by Mr. McMahon, seconded by Mr. Mc Cramer, to approve the *March 2018 Loss Run Payment Register and the April 2018 Bill List, in the amount of \$837,671.61* as presented.

ROLL CALL	Yeas	Rich Wolbert, Beverly City Grace Archer, Bordentown City Dean Buhner, Bordentown Twp., Alternate Glenn McMahon, Chesterfield Twp. Mike Templeton, Delanco Twp. Jeff Hatcher, Delran Twp. Patrice Hansell, Fieldsboro Twp. Richard Brook, Florence Twp Paula Kosko, Hainesport Twp. Brandon Umba, Lumberton Twp, Alternate Kathy Burger, Medford Twp. Mary Picariello, North Hanover Twp Scott Pearlman, Palmyra Borough, Alternate Dennis Gonzalez, Pemberton Twp Meghan Jack, Riverside Twp. David Matchett, Shamong Twp. Kathy Hoffman, Southampton Twp. J. Paul Keller, Springfield Twp. Doug Cramer, Tabernacle Twp. Maria Carrington, Westampton Twp
	Nays:	None
	Abstain:	None

Motion carried by unanimous vote.

COMMITTEE REPORTS

Strategic Planning Committee – March 13, 2018

Ms. Burger noted there was nothing currently to report and the minutes of that meeting were included in the Agenda packet and are self-explanatory.

Safety Committee Meeting – March 20, 2018

Mr. Cramer noted the minutes of that meeting are included in the Agenda packet and there was nothing else to report as a verbal report was provided at last month's meeting and the enclosed minutes are self-explanatory.

Mr. Cramer asked if there were any questions and none were entertained.

MEL/RCF/EJIF REPORTS

MEL Report – April 6, 2018

Ms. Jack noted the minutes of that meeting are included in the Agenda packet and there was nothing else to report as the enclosed minutes are self-explanatory.

RCF Report – April 6, 2018

Mr. Matchett noted the minutes of that meeting are included in the Agenda packet and there was nothing else to report as the enclosed minutes are self-explanatory.

EJIF Report – April 6, 2018

Ms. Jack noted the minutes of that meeting are included in the Agenda packet and there was nothing else to report as the enclosed minutes are self-explanatory.

MISCELLANEOUS BUSINESS

Next Meeting

Chair Keller noted that the next meeting of the BURLCO JIF will take place on **Tuesday, May 15, 2018 at 3:30 PM** at the Hainesport Municipal Building, Hainesport, NJ.

PUBLIC COMMENT

Motion by Mr. McMahon, seconded by Ms. Jack, to open the meeting to the public. All in favor. Motion carried.

Chair Keller opened the meeting to the public for comment.

Hearing no comments, Chair Keller entertained a motion to close the public portion of the meeting.

Motion by Mr. McMahon, seconded by Mr. Wolbert, to close the meeting to the public. All in favor. Motion carried.

EXECUTIVE SESSION MEETING – Resolution #2018-26

Chair Keller entertained a motion to go into a closed session to discuss matters affecting the protection and safety of the public and to discuss pending or anticipated litigation and/or contract negotiations.

Motion by Mr. Wolbert, seconded by Mr. Cramer, to Adopt Resolution #2018-26. All in favor.
Motion carried.

A Closed Session of the BURLCO JIF was held and the meeting was then reopened to the public.

REOPEN PUBLIC PORTION OF THE MEETING

Chair Keller entertained a motion to reopen the public portion of the meeting.

Motion by Mr. Wolbert, seconded by Mr. Cramer, to reopen the public portion of the meeting.
All in favor. Motion carried.

APPROVAL OF CLAIMS PAYMENTS

Chair Keller asked for a motion for *Approval of Claims Payment* on the following claims as presented in Closed Session.

<i>Workers' Compensation</i>	<i>Property</i>	<i>General Liability</i>
<i>2018124978</i>	<i>2018130044</i>	<i>001201011</i>
<i>2018125979</i>		<i>001257068</i>
<i>001220952</i>		<i>001237862</i>
<i>2018127149</i>		

Chair Keller asked if there were any questions at this time. No questions were entertained.

Motion by Mr. Jack, seconded by Mr. Wolbert, to approve the following claims as discussed in *Closed Session*.

ROLL CALL Yeas

Rich Wolbert, **Beverly City**
Grace Archer, **Bordentown City**
Dean Buhrer, **Bordentown Twp., Alternate**
Glenn McMahon, **Chesterfield Twp.**
Mike Templeton, **Delanco Twp.**
Jeff Hatcher, **Delran Twp.**
Patrice Hansell, **Fieldsboro Twp.**
Richard Brook, **Florence Twp**
Paula Kosko, **Hainesport Twp.**
Brandon Umba, **Lumberton Twp, Alternate**
Kathy Burger, **Medford Twp.**
Mary Picariello, **North Hanover Twp**
Scott Pearlman, **Palmyra Borough, Alternate**
Dennis Gonzalez, **Pemberton Twp**
Meghan Jack, **Riverside Twp.**
David Matchett, **Shamong Twp.**
Kathy Hoffman, **Southampton Twp.**
J. Paul Keller, **Springfield Twp.**
Doug Cramer, **Tabernacle Twp.**
Maria Carrington, **Westampton Twp**

Nays: None

Abstain: None

Motion carried by unanimous vote.

AUTHORIZATION TO ABANDON SUBROGATION – APPROVAL

There was one (1) abandonment of Subrogation claim presented in Closed Session.

001168007

Motion by Mr. Jack, seconded by Mr. Wolbert, to approve the abandonment of subrogation on claim 001168007 as discussed in *Closed Session*.

ROLL CALL	Yeas	Rich Wolbert, Beverly City Grace Archer, Bordentown City Dean Buhrer, Bordentown Twp. , <i>Alternate</i> Glenn McMahon, Chesterfield Twp. Mike Templeton, Delanco Twp. Jeff Hatcher, Delran Twp. Patrice Hansell, Fieldsboro Twp. Richard Brook, Florence Twp Paula Kosko, Hainesport Twp. Brandon Umba, Lumberton Twp , <i>Alternate</i> Kathy Burger, Medford Twp. Mary Picariello, North Hanover Twp Scott Pearlman, Palmyra Borough , <i>Alternate</i> Dennis Gonzalez, Pemberton Twp Meghan Jack, Riverside Twp. David Matchett, Shamong Twp. Kathy Hoffman, Southampton Twp. J. Paul Keller, Springfield Twp. Doug Cramer, Tabernacle Twp. Maria Carrington, Westampton Twp
	Nays:	None
	Abstain:	None

MOTION TO ADJOURN

Chair Keller entertained a motion to adjourn the April 17, 2018 meeting of the BURLCO JIF.

Motion by Ms. Jack, seconded by Mr. Cramer, to adjourn the April 17, 2018 meeting of the BURLCO JIF. All in favor. Motion carried.

The meeting was adjourned at 4:08 pm.

Kris Kristie,
Recording Secretary for

MEGHAN JACK, SECRETARY

**Burlington County Municipal Joint Insurance Fund
2018 EPL/CYBER Risk Management Budget**

Member Municipality	Opening Balance	January 2018	Feb 2018	March 2018	April 2018	May 2018	June 2018	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018	Paid in 2019	Remaining Balance	Date Encumbered
Bass River	500.00														500.00	
Beverly	500.00														500.00	
Bordentown City	500.00														500.00	
Bordentown Twp.	500.00														500.00	
Chesterfield	500.00														500.00	
Delanco	500.00														500.00	
Delran	500.00														500.00	
Edgewater Park	500.00														500.00	
Fieldsboro	500.00														500.00	
Florence	500.00														500.00	
Hainesport	500.00														500.00	
Lumberton	500.00														500.00	
Mansfield	500.00														500.00	
Medford	500.00														500.00	
Mt. Laurel	500.00														500.00	
North Hanover	500.00														500.00	
Palmyra	500.00														500.00	
Pemberton Boro	500.00														500.00	
Pemberton Twp.	500.00														500.00	
Riverside	500.00														500.00	
Shamong	500.00														500.00	
Southampton	500.00														500.00	
Springfield	500.00														500.00	
Tabernacle	500.00														500.00	
Westampton	500.00														500.00	
Woodland	500.00														500.00	
Wrightstown	500.00														500.00	
Total By Line	\$13,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,500.00	

Must be Claimed or Encumbered by November 30, 2018. All Encumbered Claims Must be Claimed by February 1, 2019

**Burlington County Municipal Joint Insurance Fund
2018 Optional Safety Budget**

Member Municipality	Opening Balance	January 2018	February 2018	March 2018	April 2018	May 2018	June 2018	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018	Paid 2018	Date of Encumbrance	Total Paid	Remaining Balance
Bass River	995.00															0.00	995.00
Beverly	1,595.00															0.00	1,595.00
Bordentown City	1,595.00															0.00	1,595.00
Bordentown Twp.	2,660.00															0.00	2,660.00
Chesterfield	995.00															0.00	995.00
Delanco	1,595.00															0.00	1,595.00
Delran	2,660.00															0.00	2,660.00
Edgewater Park	1,595.00															0.00	1,595.00
Fieldsboro	750.00															0.00	750.00
Florence	2,660.00															0.00	2,660.00
Hainesport	995.00															0.00	995.00
Lumberton	2,660.00															0.00	2,660.00
Mansfield	1,595.00															0.00	1,595.00
Medford	4,645.00															0.00	4,645.00
Mount Laurel	4,645.00				2,729.24											2,729.24	1,915.76
North Hanover	1,595.00					882.72										882.72	712.28
Palmyra	1,595.00															0.00	1,595.00
Pemberton Boro	995.00															0.00	995.00
Pemberton Twp.	4,645.00															0.00	4,645.00
Riverside	2,660.00															0.00	2,660.00
Shamong	995.00															0.00	995.00
Southampton	1,595.00															0.00	1,595.00
Springfield	995.00															0.00	995.00
Tabernacle	995.00															0.00	995.00
Westampton	1,595.00															0.00	1,595.00
Woodland	995.00															0.00	995.00
Wrightstown	995.00															0.00	995.00
Total By Line	51,295	\$0.00	\$0.00	\$0.00	\$2,729.24	\$882.72	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		3,611.96	47,683.04

Must be Claimed or Encumbered by November 30, 2018. All Encumbered Claims Must be Claimed by February 1, 2019

**Burlington County Municipal Joint Insurance Fund
2017 Safety Incentive Program**

Member Municipality	Opening Balance	Jan 2018	Feb 2018	March 2018	April 2018	May 2018	June 2018	July 2018	Aug 2018	Sept 2018	Oct 2018	Nov 2018	Dec 2018	Paid in 2019	Total Paid	Remaining Balance	Encumb. Funds
Bass River	1,650.00				1,650.00										1,650.00	0.00	
Beverly	1,975.00														0.00	1,975.00	
Bordentown City	1,975.00														0.00	1,975.00	
Bordentown Twp	2,275.00														0.00	2,275.00	
Chesterfield	1,650.00														0.00	1,650.00	
Delanco	1,650.00					1,650.00									1,650.00	0.00	
Delran	2,275.00														0.00	2,275.00	
Edgewater	1,975.00														0.00	1,975.00	
Fieldsboro Boro	1,650.00				1,650.00										1,650.00	0.00	
Florence	2,275.00				2,275.00										2,275.00	0.00	
Hainesport	1,650.00				1,650.00										1,650.00	0.00	
Lumberton	2,275.00				2,275.00										2,275.00	0.00	
Mansfield	1,975.00														0.00	1,975.00	
Medford	2,600.00				2,600.00										2,600.00	0.00	
Mount Laurel	2,600.00														0.00	2,600.00	
North Hanover	1,975.00					1,975.00									1,975.00	0.00	
Palmyra	1,975.00					1,975.00									1,975.00	0.00	
Pemberton Boro.	1,650.00				1,650.00										1,650.00	0.00	
Pemberton Twp.	2,600.00				2,600.00										2,600.00	0.00	
Riverside	1,975.00														0.00	1,975.00	
Shamong	1,650.00														0.00	1,650.00	
Southampton	1,975.00					1,975.00									1,975.00	0.00	
Springfield	1,650.00														0.00	1,650.00	
Tabernacle	1,650.00														0.00	1,650.00	
Westampton	1,975.00				1,975.00										1,975.00	0.00	
Woodland	1,650.00				1,650.00										1,650.00	0.00	
Wrightstown	1,650.00														0.00	1,650.00	
Total By Line	\$52,825.00	\$0.00	\$0.00	\$0.00	\$19,975.00	\$7,575.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$27,550.00	\$25,275.00	

Must be Claimed or Encumbered by November 30, 2018. All Encumbered Claims Must be Claimed by February 1, 2019

Burlington County Municipal Joint Insurance Fund 2018 Wellness Incentive Program																		
																	Total	Remaining
Member Municipality	Opening Balance	January 2018	February 2018	March 2018	April 2018	May 2018	June 2018	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018	Paid 2018	Date of Encumbrance	Paid	Balance	
Bass River	500.00															0.00	500.00	
Beverly	750.00															0.00	750.00	
Bordentown City	750.00															0.00	750.00	
Bordentown Twp.	1,000.00		73.83													73.83	926.17	
Chesterfield	500.00															0.00	500.00	
Delanco	750.00															0.00	750.00	
Delran	1,000.00															0.00	1,000.00	
Edgewater Park	750.00				99.45											99.45	650.55	
Fieldsboro	500.00															0.00	500.00	
Florence	1,000.00															0.00	1,000.00	
Hainesport	500.00															0.00	500.00	
Lumberton	1,000.00															0.00	1,000.00	
Mansfield	750.00															0.00	750.00	
Medford	1,500.00															0.00	1,500.00	
Mount Laurel	1,500.00															0.00	1,500.00	
North Hanover	750.00					143.18										143.18	606.82	
Palmyra	750.00															0.00	750.00	
Pemberton Boro	500.00				120.00											120.00	380.00	
Pemberton Twp.	1,500.00															0.00	1,500.00	
Riverside	1,000.00															0.00	1,000.00	
Shamong	500.00															0.00	500.00	
Southampton	750.00															0.00	750.00	
Springfield	500.00															0.00	500.00	
Tabernacle	500.00															0.00	500.00	
Westampton	750.00															0.00	750.00	
Woodland	500.00															0.00	500.00	
Wrightstown	500.00															0.00	500.00	
Total By Line	\$21,250.00	\$0.00	\$73.83	\$0.00	\$219.45	\$143.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		436.46	20,813.54	

Must be Claimed or Encumbered by November 30, 2018. All Encumbered Claims Must be Claimed by February 1, 2019



Police Command Staff Risk Management Seminar

As part of their continuing commitment to Police Command Staff Training the Atlantic, Burlington, and Gloucester, Salem, Cumberland Counties Municipal Joint Insurance Funds are jointly sponsoring a seminar on Police Risk Management. **The seminar is intended for all Command Staff who manage or supervise other officers within your municipality. This includes, but is not limited to, Chiefs, Deputy Chiefs, Lieutenants, Captains, Sergeants, and Corporals.** Attendance at bi-annual employment practices training is mandatory for Police Command Staff in order to comply with the MEL's 2018-2019 Employment Practices Liability (EPL) Plan of Risk Management. Failure to attend training can lead to costly litigation and may result in higher co-pays and deductibles for EPL Claims against your municipality.

Today, Police Command Staff face a multitude of challenges in performing their job. These include workforce issues and regulatory training requirements just to name a few. However, the field of employment law remains perhaps the most rapidly evolving area of law both in the State of New Jersey and nationally. As legislators and the courts afford greater protection to more groups of employees, the nature and frequency of claims against employers increase proportionately. Public employers are not immune from this trend. Your knowledge of basic legal and administrative employment principles will help keep you out of trouble.

Topics

Training will be offered twice each day as noted on the registration form; an AM Session and a PM Session. Each session is identical and each command staff officer only needs to attend one session.

The training will focus on common employee/employer issues including discipline and discharge, promotion procedures, and discrimination and harassment including the Conscientious Employee Protection Act (CEPA). In addition, information will be provided on immunities available for police operations under Title 59, how to protect your agency against liability claims, and managing these claims when they occur. Time will also be spent discussing workers compensation and liability coverage afforded police officers as well as various safety and risk management programs implemented to manage the risk associated with police operations.

For your convenience, and to facilitate maximum participation, the seminar will be presented in three different locations throughout Southern New Jersey. **Please note that all sessions are identical.** **Please see the attached documentation for specific times and locations.**

PLEASE RESPOND TWO WEEKS PRIOR TO ANY TRAINING DATE

Police Risk Management Training Registration Form

Sessions – There will be (2) identical sessions each day.
You need only attend one of the sessions. Choose One:

Dates and Locations: Please indicate your choice

_____ **Tuesday, February 13, 2018 at Merighi's Savoy Inn, Vineland**

_____ **9:00 AM – 11:30 AM ...Registration starts at 8:15 AM**

_____ **1:00 PM – 3:30 PM.....Registration starts at 12:00 Noon**

_____ **Thursday, April 26, 2018 at Nicolosi Caterers, West Deptford**

_____ **9:00 AM – 11:30 AM ...Registration starts at 8:15 AM**

_____ **1:00 PM – 3:30 PM.....Registration starts at 12:00 Noon**

_____ **Tuesday, June 12, 2018 at O'Connors, Eastampton**

_____ **9:00 AM – 11:30 AM ...Registration starts at 8:15 AM**

_____ **1:00 PM – 3:30 PM.....Registration starts at 12:00 Noon**

_____ **Thursday, June 28, 2018 at Merighi's Savoy Inn, Vineland**

_____ **9:00 AM – 11:30 AM ...Registration starts at 8:15 AM**

_____ **1:00 PM – 3:30 PM.....Registration starts at 12:00 Noon**

Please Print Clearly

Municipality _____ **Contact Name:** _____

Phone: _____ **Fax:** _____ **E-Mail** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Forward Completed Registration Form to:

Carol Mason

Account Rep.

PHONE: (856) 446-9127

FAX: (856) 446-9149

E-MAIL: Carol_Mason@ajg.com



Municipal Managers and Supervisors Risk Management Seminar

As part of their continuing commitment to management/supervisory training, the Atlantic, Burlington and Gloucester, Salem, Cumberland Counties Municipal Joint Insurance Funds are jointly sponsoring a seminar on municipal risk management. The seminar is intended for all employees who manage or supervise others within your municipality. That will include department heads, managers, foremen, and supervisors from all departments included but not limited to Administration, Public Works, Recreation, Fire, Rescue and Emergency Services (paid or volunteer). CFO's, Tax Collectors and Tax Assessors who manage or supervise staff are included within this category.

Police officers that currently manage or supervise others including Police Chiefs, Captains, Lieutenants, Sergeants, etc are required to attend the specific Police Command Staff Training. In addition, it is recommended that any officer that will be eligible to be promoted into a supervisory or management position within the next two (2) years also attend that training. A separate announcement regarding this training was sent out on or about January 10, 2018 via email to all Clerks and Fund Commissioners.

Today, municipal managers and supervisors face a multitude of challenges in performing their job. These include workforce issues and regulatory training requirements just to name a few. However, the field of employment law remains perhaps the most rapidly evolving area of law both in the State of New Jersey and nationally. As legislators and the courts afford greater protection to more groups of employees, the nature and frequency of claims against employers increase proportionally. Public employers are not immune from this trend. Your knowledge of basic legal and administrative employment principles will help keep you out of trouble.

Topics

The training offered will include information on how managers and supervisors can help reduce accidents in the workplace over time, accident rates in various municipal departments and the importance of safety training. In addition, these sessions will address common employee/employer issues including discipline and discharge, and discrimination and harassment including the Conscientious Employee Protection Act (CEPA). Finally, these sessions will examine liability in municipal operations, and how Managers and Supervisors can assist in reducing these exposures. These seminars will count toward Managerial/Supervisory continuing training required by the MEL for compliance with the 2018-2019 EPL Plan of Risk Management.

For your convenience, and to facilitate maximum participation, the seminar will be presented in a morning and afternoon session. Please note that all sessions are identical. **Please see the attached documentation for specific times and locations.**



Managerial & Supervisory Training Seminar Details

Morning Session – Continental Breakfast provided beginning at 8:30 AM

Afternoon Session – Lunch provided beginning at 12:30 PM

<i>Date</i>	<i>Location</i>	<i>Time (2 Sessions)</i>
Tuesday March 6, 2018	O'Connors (formerly Charley's Other Brother) Eastampton	Morning Session: 8:30 AM Registration Session 9:00 AM - 11: 30 AM Afternoon Session: 12:30 PM Registration Training Session 1:00 PM - 3:30 PM
Tuesday, May 8, 2018	Merighi's Savoy Inn, Vineland	Morning Session: 8:30 AM Registration Session 9:00 AM - 11: 30 AM Afternoon Session: 12:30 PM Registration Training Session 1:00 PM - 3:30 PM
Tuesday, September 11, 2018	Wildwood Convention Center Wildwood	Morning Session: 8:30 AM Registration Session 9:00 AM - 11: 30 AM Afternoon Session: 12:30 PM Registration Training Session 1:00 PM - 3:30 PM
Thursday, September 27, 2018	Nicolosi Caterers West Deptford	Morning Session: 8:30 AM Registration Session 9:00 AM - 11: 30 AM Afternoon Session: 12:30 PM Registration Training Session 1:00 PM - 3:30 PM

**Please confirm your registration via the attached response form at
least 2 weeks prior to any of the scheduled training dates!**

****All Sessions are Identical****

Managerial & Supervisory Registration Form

Dates and Locations

Both Sessions are Identical

9:00 AM – 11:30 AM

1:00 PM – 3:30 PM

_____ Tuesday, March 6, 2018 at O’Connors, Eastampton

_____ Tuesday, May 8, 2018 at Merighi’s Savoy Inn, Vineland

_____ Tuesday, September 11, 2018 at Wildwood Convention Center, Wildwood

_____ Thursday, September 27, 2018 at Nicolosi Caterers, West Deptford

Please Print Clearly

Check One: Morning 9:00 AM – 11:30 AM _____ Afternoon 1:00 PM – 3:30 PM _____

Municipality _____ **Contact Name** _____

Phone: _____ **Fax:** _____ **E-Mail** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Name: _____ **Title** _____

Forward Completed Registration Form to:

Sheila Ortiz

AJG Risk Management Services, Inc.

P.O. Box 530

Marlton, NJ 08053

PHONE: (856) 446-9137

FAX: (856) 446-9149

E-MAIL: Sheila_Ortiz@ajg.com



Municipal Excess Liability Joint Insurance Fund

9 Campus Drive – Suite 216
Parsippany, NJ 07054
Tel (201) 881-7632
Fax (201) 881-7633

To: Members - Municipal Excess Liability Joint Insurance Fund
(Municipalities and Utility Authorities)

From: David N. Grubb, Executive Director

Date: April 2018

Re: 2019-2020 Employment Practices Liability (EPL) Program

95% of MEL members have adopted the MEL's model employment practices risk control program and are eligible for lower deductibles. These programs must be updated every two years to remain eligible. **PLEASE VISIT THE MEL WEBPAGE – NJMEL.ORG – FOR A COPY OF THE REVISED MODEL**. Attached is a memorandum synopsis of the changes.

Members with updated loss control programs receive the standard EPL deductible of \$20,000 per claim plus a 20% co-pay capped at \$50,000 and may be eligible to buy down deductibles and co-insurance caps (See note below concerning members with adverse EPL claims experience).

To qualify for the lower deductibles, have your General Counsel or Employment Attorney complete the one page form checking the minimum requirements for updating the plan. It is not necessary to attach any further documentation. Mail the completed form to MEL Fund Office, 9 Campus Drive, Suite 216, Parsippany, NJ 07054.

Members that did not qualify for the 2017-2018 incentive must adopt the EPL loss control plan and submit to the MEL for review. Have your General Counsel or Employment Attorney complete the two-page form checking the minimum requirements for the plan. The following must be attached to this form: (1) the Personnel Policies and Procedures Manual, (2) the resolution adopting this manual, and (3) the Employee Handbook. Mail the completed form and attachments to the MEL Fund Office, 9 Campus Drive, Suite 216, Parsippany, NJ 07054.

Members submitting the required form by October 1, 2018 will qualify or continue to qualify for the deductible incentives effective January 1, 2019. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.

Members without updated loss control programs will have a deductible of \$100,000 per claim plus a 20% co-pay with no cap. (See note below concerning members with adverse EPL claims experience).

Members with adverse EPL claims experience: Members with adverse loss experience will have a deductible of \$75,000 if they have an updated loss control plan and \$150,000 if they do not – in addition to the co-pay (as outlined above). In a few cases, the insurance carrier will establish higher deductibles for members due to exceptionally poor experience.

Public Official's Training Credit: The MEL is continuing the public officials training throughout the state for elected public officials and authority commissioners. Sessions have already been given at the League Convention and the AEA Convention in Atlantic City. The MEL will reduce each member's 2018 MEL premium by \$250 for each municipal elected official and authority commissioner who completes the course. The credit is also extended to the member's CEO (i.e. municipal manager/administrator or authority executive director). The maximum credit is capped at 5% of the member's MEL assessment. The MEL webpage will post a listing of sessions scheduled throughout the state. In addition, the course can be taken on-line through the MEL Safety Institute (direction attached).

Required Elements for the Incentive

1. **Employment Attorney/Advisor:** An Employment Attorney or an Employment Advisor usually provides advice concerning personnel matters. However, the member may designate its General Counsel if experienced in employment matters.
2. **Personnel Policies and Procedures Manual:** To facilitate this process, the MEL has developed a Model Personnel Policies and Procedure Manual that members are free to use at their discretion. Members can adopt the model, take sections from the model and place them in their existing personnel manual, or write their own policies that cover the subjects in the model.
3. **Conscientious Employee Protection Act Notice:** This notice (in both English and Spanish) must be posted on the bulletin board and distributed to all personnel. The notice required by the NJ Department of Labor is included in the Model Personnel Policies and Procedures Manual. (copy can also be found on the MEL webpage – njmel.org)
4. **Employee Handbook:** The handbook must be updated and distributed to all personnel. To facilitate this process, the MEL has developed a Model Employee handbook that members are free to use at their discretion. (which can be found on the MEL webpage – njmel.org)
5. **Model Local Unit Civil Rights Resolution (municipalities only):** Adopt the model resolution. (which can be found on the MEL webpage – njmel.org)
6. **Managerial and Supervisory Training:** Court decisions made personnel training for managerial and supervisory "mandatory". A signed acknowledgement that the manager or supervisor has completed training within the last 12 months must be placed in the personnel files. Training is also mandatory for the Municipal Judge, the heads of volunteer emergency service organizations such as Volunteer Fire Departments, EMS units, and the heads of organizations such as Library Boards and Planning Boards, etc., that are involved in personnel matters. The MEL has developed a Model that the local JIFs will conduct over the next 6 months. Your JIF will contact you with the details.
7. **Police Chief, Captains and Lieutenants Training:** Because Police Departments are involved in a high percentage of employment related litigation, Police Chiefs and at least one other command officer must complete employment-practices training that takes into

consideration the Attorney General's guidelines for police operations. A schedule of these seminars will be distributed by your JIF.

8. **Training for All Other Personnel:** Court decisions also require employers to offer anti-harassment and related personnel training to all employees. This can be accomplished by requiring your employees to complete the 11 minutes on-line “We Must Respect Each Other in Local Government” found on www.njmel.org. Attached are the instructions to access this program.
9. **MEL EPL Helpline:** The MEL includes a helpline to its members at no additional cost. Members are required to enroll (if you have not already done so) by calling 415-817-1611 or emailing bhansen@enquiron.com.

For assistance, please contact the MEL office or the office of your local JIF.

**Synopsis of Changes to
Municipal Excess Liability Joint Insurance Fund
MODEL PERSONNEL POLICIES AND PROCEDURES MANUAL**

The Municipal Excess Liability Fund Personnel Policy Committee (“Committee”) convened to consider changes to the Model Personnel Policies and Procedures (“Manual”) for the 2019 Policy Year. In order to be eligible to maintain current deductibles and co-pay, members must be in compliance with the Employment Practices Liability Program. Members must adopt the recommended changes by October 1, 2018.

This memorandum is intended to provide an overview of the changes to the Manual and accompanying documents. Members should amend their personnel manual accordingly.

Discussion of Adopted Changes:

Change 1: Protections Against Discrimination and Accommodation for Breastfeeding Employees
(Located in Section One)

The Manual was modified to amend the Anti-Discrimination Policy and the Americans with Disabilities Act Policy/ New Jersey Pregnant Worker’s Fairness Act contained in Section One to include protections for breastfeeding to comply with recent changes in New Jersey law. The Manual now expressly protects individuals who are breastfeeding from discrimination and requires the Local Unit to provide to employees who are breastfeeding a reasonable break time each day and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

Change 2: Modification to Communication Media Policy (Located in Section Two)

The Communication Media Policy was amended to be a “Communication Media/ Social Media Policy” with relevant changes contained within to be in compliance with recent cases.

Change 3: Section Five

There are some revisions to this Section in accordance with the Fair Credit Reporting Act. Change 4: Modification to Open Public Records Meetings Act Section (Located in Section Five)

Three changes have been made to the policy's Open Public Meetings Act (OPMA) section. First, the policy has been amended to reflect the holding of Keane Federation of Teacher v. Ada Morell, 448 N.J. Super. 520 (App. Div. 2017). In Keane Federation, the Appellate Division held that Rice notices are not only required when there is *discussion* regarding the appointment, termination, terms and conditions of employment, performance evaluation or discipline of any current or prospective officer of employee in closed session but also when the local unit intends to *act* on these enumerated matters. Additional language has been added to clarify this expansion of when Rice notices are required to be issued. Second, the policy has been amended to clarify that only the municipal governing body or a "public body" of the local unit (as that term is defined by OPMA) are required to provide Rice notices. Third, changes have been made to update the criminal background checks in accordance with State legislative amendments.

Change 5: Overtime Compensation

Overtime Compensation Policy in Section 4 of the Manual was modified slightly to clarify the rate of overtime pay. This is not a substantive change.

Other Items of Note:

The Committee also discussed the following items, which did not necessitate any changes to the

Manual but should be considered by the Members:

1. Attached please find a notice from the Department of Community Affairs regarding the certifications required by the P.L. 2017, c. 183. and referenced sample certifications.
2. In January, 2018 the DOT published a Notice of Proposed Rulemaking in the Federal Register that announced that proposes some amendments to the current DOT-regulated drug and alcohol testing requirements to broaden the testing of opiates to include synthetic opioids.
3. In January 2018, New Jersey enacted P.L. 2017, c.272, which requires the Civil Service Commission to develop a uniform domestic violence policy that all public employers, regardless if they are Civil Service, must adopt and distribute to their employees. To date, the Civil Service Commission has not adopted such a policy.

Please consider these changes and consult with your general counsel prior to adopting same.

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE
WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF *(Insert County Name)*

We, members of the governing body of the *(Name of local unit)* being duly sworn according to law,
upon our oath depose and say:

1. We are duly elected (or appointed) members of the *(insert name of governing body)* of the
(name of local unit) in the county of *(name of county)*;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United
States Equal Employment Opportunity Commission's "Enforcement Guidance on the
Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of
the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an
individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement
guidance.

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Sworn to and subscribed before me this
_____ day of _____
Notary Public of New Jersey

Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth
the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its
approved budget to the Division of Local Government Services. The executed certificate and the
adopted resolution must be kept on file and available for inspection.

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964”**

FORM OF RESOLUTION

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *(name of governing body)* of the *(name of local unit)*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON *(insert meeting date)*.

Clerk

Checklist for Members with Currently Approved Risk Control Plans

2019-2020 MEL EMPLOYMENT PRACTICES RISK CONTROL UPDATE CHECKLIST

Name of Municipality or Authority: _____

- ☐ Retain Employment Attorney/Advisor: (name)_____
- ☐ Update and distribute to managerial/supervisory employees the Personnel Policies and Procedures Manual: (Not necessary to attach)
- ☐ Distribute a notice concerning the Conscientious Employee Protection Act to all personnel:
- ☐ Update and distribute the Employee Handbook: (Not necessary to attach)
- ☐ Adopt the model civil rights resolution (municipalities only).
- ☐ Train managerial and supervisory personnel:
- ☐ Have Police Chief, Deputy Chief, Public Safety Director, Captains & Lieutenants complete the special EPL training course:
- ☐ Offer Anti-Harassment training to all other personnel:
- ☐ Sign up with NJ MEL Helpline for Employment Practices.

I, _____, the (check __General Counsel or __Employment Attorney) of (member name)_____ hereby certify that the member has verified to me that the above actions have been completed and that I have read the updated Personnel Policies and Procedures Manual and the updated Employee Handbook.

Signature: _____

Date: _____ Telephone: _____

To qualify for the Employment Practices Liability policy deductible, this checklist should be returned to the MEL Fund Office (9 Campus Drive, Suite 216, Parsippany, NJ 07054 as soon as possible. Members submitting this form by October 1, 2018 will qualify or continue to qualify for the deductible effective to January 1, 2019. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.

Checklist for Members without Currently Approved Risk Control Plans

INITIAL EMPLOYMENT PRACTICES LOSS RISK CONTROL INCENTIVE APPLICATION

Name of Municipality or Authority: _____

- q Retain Employment Attorney/Advisor: (name)_____
- q Adopt and distribute to managerial/supervisory employees the Personnel Policies and Procedures Manual: (Attach Resolution and Manual)

Required Minimum Provisions:

- q Anti-Discrimination Policy
- q Americans with Disabilities Act Policy
- q Contagious or Life Threatening Illnesses Policy
- q Safety Policy
- q Drugs and Alcohol Policy
- q Workplace Violence Policy
- q General Anti-Harassment Policy
- q Anti-Sexual Harassment Policy
- q Whistle Blower Policy
- q Employee Complaint Policy
- q Access to Personnel Files Policy
- q Conflict of Interest Policy
- q Political Activity Policy
- q Employee Evaluation Policy
- q Employee Discipline Policy
- q Workforce Reduction Policy
- q Driver's License Policy
- q Communication Media Policy/Social Media Policy
- q Bulletin Board Policy
- q Leave of Absence Policy
- q Family and Medical Leave Act Policy
- q Military Leave Policy
- q Domestic Abuse Leave Policy
- q Employment Procedure
- q Open Public Meeting Act Procedure Concerning Personnel Matters
- q Processing and Orientation of New Employees Procedure
- q Initial Employment Period Procedure
- q Employee Handbook Procedure
- q Performance Evaluation Procedure
- q Disciplinary Action Procedure
- q Personnel File Procedure
- q Employee Complaint Investigation Procedure
- q Requests for Employment Verification and Reference Procedure
- q Continuing Education Procedure

- q Distribute a notice concerning the Conscientious Employee Protection Act to all personnel:
- q Adopt and distribute the Employee Handbook: (Attach handbook)
- q Adopt the model civil rights resolution (municipalities only).
- q Train managerial and supervisory personnel:
- q Have Police Chief, Deputy Chief, Public Safety Director, Captains & Lieutenants complete the special EPL training course:
- q Offer Anti-Harassment training to all other personnel:
- q Sign up with NJ MEL Helpline for Employment Practices.

I, _____, the (check ___General Counsel or ___Employment Attorney) of (member name)_____hereby certify that the member has verified to me that the above actions have been completed and that I have read the Personnel Policies and Procedures Manual and the Employee Handbook.

Signature: _____

Date: _____ Telephone: _____

To qualify for the Employment Practices Liability policy deductible, this checklist should be returned to the MEL Fund Office (9 Campus Drive, Suite 216, Parsippany, NJ 07054 as soon as possible. Members submitting this form by October 1, 2018 will qualify or continue to qualify for the deductible effective to January 1, 2019. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.

Conscientious Employee Protection Act "Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7832.

La Ley de protección al empleado consciente

"Ley de protección del denunciante"

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
 - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al parágrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: _____
Dirección: _____
Número de teléfono: _____

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea Inglés o español, sírvase llamar al (800) 292-7832.



2018 Elected Officials Online Training

While we recommend that public officials attend a training class, the MEL is also making available an on-line training program for Elected Officials and Authority Commissioners to earn their \$250 training credit. Please follow the steps below to access the program. To receive credit, the program must be completed by May 1, 2018.

1. Click the following link for the MEL Safety Institute's Learning Management System

www.firstnetcampus.com/meljif

2. If you have previously taken MSI classes, enter your username and password. If you do not know your username/password, check with your Training Administrator or call the MSI Helpline. If you are new, click 'New User Registration.' Complete the fields and you will receive an email with your username and password.
3. Click on the On-Line Training Courses, at bottom right.
4. Click the 'Elected Officials - Land Use Liability' course.
5. Click 'Enroll'.
6. Click the 'My Training' tab on the top blue tool bar.
7. Click the program name to launch the course.
8. Upon completion of the course and questions you will navigate to the 'Student Center' tab to print your Certificate of Completion. Learning transcripts are automatically updated in the MEL Safety Institute's Learning Management System.

Questions? Contact the MSI Help Line (866) 661-5120

The MEL Safety Institute can also be accessed anytime by going to www.njmel.org.

You must complete the entire program and the affidavit at the end of the program to receive credit. If you need additional assistance please call the MSI help line at (866) 661-5120 during business hours.



We Must Respect Each Other In Local Government Online Training Instructions

This course discusses the right of each employee to a workplace free of harassment and each employee's duty to respect the rights of all other employees.

To access the online course:

1. Click the following link for the MEL Safety Institutes Learning Management System

www.firstnetcampus.com/meljif

2. If you have previously taken MSI classes, enter your username and password. If you are new, click 'New User Registration.' Complete the fields and you will receive an email with your username and password.
3. Click on the On-Line Training Courses, at bottom right.
4. Click the "We Must Respect Each Other in Local Government".
5. Click 'Enroll'.
6. Click the 'My Training' tab on the top blue tool bar.
7. Click the program name to launch the course.
8. Upon completion of the course and questions navigate to the 'Student Center' tab to print your Certificate of Completion. Transcripts are automatically updated in the MEL Safety Institute's Learning Management System.

Questions? Contact the MSI Help Line (866) 661-5120

The MEL Safety Institute can also be accessed anytime by going to www.njmel.org.

Employee Safety and Anti Harassment Seminar Leader's Guide

Who should conduct the seminar? The leader should be the Municipal Manager/Administrator, the Authority Executive Director, the Human Resources Manager, the local unit's General Counsel or Employment Attorney/Advisor.

Are all employees required to attend? The court requires employers to "make training available" to all employees. However, the employer has the option of making the training mandatory. Attendance must be documented in each employee's personnel file.

How long is the seminar? The formal presentation is about 20 minutes, mostly consisting of the video. However, the question and answer period at the end could easily add another half hour or more to the seminar.

Is this seminar also available on line? Yes. See njmel.org for directions on how to take this course directly from the MEL's web based learning management system.

Section One: Introduction

Each of you has a right to safe workplace free discrimination, violence, harassment and conflicts of interest. The (local unit name) has a "no tolerance policy" towards workplace wrongdoing and expects all employees to conduct themselves consistent with this policy. Today, we will discuss what this means.

The program begins with a twelve-minute video that explains your rights and obligations under the "no tolerance" policy. The video states clearly what types of conduct are unacceptable when interacting with fellow employees. As many of the unacceptable behaviors are also against the law, compliance is essential both for your own protection and to ensure that others not subjected to conduct that might create a hostile work environment.

At the end of the video, there will be time to ask questions.

Section Two: Play video, "We Must Respect Each Other in Local Government."

Section Three: Question and Answers:

Before opening for questions, distribute copies of the CEPA notice and discuss the procedure to report wrongdoing. This is also an opportunity to distribute the revised employee handbook or discuss any particular personnel matter that you deem appropriate.

At the beginning of the Q&A period, tell the employees questions that pertain to a particular individual are not appropriate for the general session and should be asked after the meeting. Further, if anyone feels uncomfortable asking a question during the meeting, you will be available to talk to them afterwards. Also state that if the question involves a legal issue, it will be forwarded to the General Council or the Employment Attorney/Advisor. Make detailed notes of these questions in the attached Question Log and tell the employees that the attorney/advisor will quickly get back to them.

ATTENDANCE LOG

Employee Safety and Anti Harassment Seminar

Town/Authority Name: _____

Date: _____ **Time:** _____

Leader's Name: _____

[illegible]

Questions Log

[illegible]

BURLINGTON COUNTY MUNICIPAL **JOINT INSURANCE FUND**

MAY 2018
CLOSED CASES

1.) **Diamond Pools & Spas, Inc. & Tucker v. Township of Medford and Township of Southampton** – This matter involved the Plaintiff's allegations in a Superior Court of New Jersey, Burlington County Notice of Motion to File Tort Claims Notice Out of Time that on April 15, 2016, the Plaintiff, Diamond Pools & Spa, Inc., was the owner of a motor vehicle being operated by the Plaintiff, Thomas J. Tucker, traveling west on Hawkin Road, in the Township of Medford, when a swinging gate on the rear cargo area became unsecured for an unknown reason and swung open into the eastbound lane. It was further alleged that the decedent, Morgan L. Hesse, was traveling east on Hawkin Road when the cargo gate impacted the front of the Decedent's vehicle in the area of the top of the windshield near the roof line. Following the initial contact, it was alleged that the Plaintiff's vehicle continued eastbound before leaving the left side of the roadway, striking several trees, overturning and ultimately coming to a final rest on its roof. The Estate of Morgan L. Hesse did not commence an action related to the accident. The case was assigned to John C. Gillespie, Esquire on October 7, 2016 and he immediately filed Opposition to the Motion. Oral Argument on the Motion occurred on February 17, 2017 and the Honorable Judge Harrington entered an Order denying the Plaintiff's Motion without prejudice. The primary basis for the decision was that if Diamond Pools were to be named as a Defendant, and they were to decide to bring a third party action against the public entities, it would likely do so only seeking contribution. If they seek to bring some other direct action against the public entities, they will not be able to do so. Defense Counsel continued to monitor the matter on behalf of the insured. The Plaintiff failed to file a Third-Party action prior to the expiration of the Statute of Limitations on April 15, 2018 and Defense Counsel has now closed their file.

2.) **Dunn Wright Properties, LLC, v. Township of Pemberton**-This matter involved the Plaintiff's allegations in a United States District Court, District of New Jersey Complaint. The Plaintiff, Dunn Wright Properties, LLC, alleged that they purchased real property (36 Verbena Street property) located in the Township of Pemberton on May 19, 2016, and that a second property (38 Briar Street) was purchased on June 10, 2016 via Sheriff Sale. The Plaintiff stated in the Complaint that the Township subsequently demanded vacant property renewal fees of \$5,000.00 for each property. The Plaintiff argued that the Township ignored the fact that the Plaintiff was a new purchaser/owner, and as such, would not be obligated to pay a \$5,000 re-registration fee. The Plaintiff alleged that they refused to pay the fee and that they had sold both properties. The Plaintiff claimed that the Township subsequently placed an illegal cloud on the titles to the properties, and that the Township violated the Plaintiff's rights through: (1) the administration of local ordinances and/or unlawful citing of property owners for alleged violations without a hearing or due process; (2) the proper exercise of township authority, including but not limited to the unreasonable and unlawful taking of property and other constitutional rights violations; (3) the monitoring of officers whom it knew or should have known were abusing their authority or were lacking ability to function as officers; and (4) the failure to train and monitor officers in the judgment and use of authority and the protection of property rights. The Plaintiff alleged that the Township continued to collect the registration fees, and that the Defendants should have known that their actions were causing harm to the Plaintiff by taking \$6,500.00 and otherwise depriving the Plaintiff of the use and benefit of his property. The Plaintiff argued that the Defendants' actions violated 42 U.S.C. § 1983. The Plaintiff sought the following relief: (1) compensatory damages; (2) punitive damages; (3) reasonable attorney's fees and costs; (4) and such other relief as appears reasonable and just. The case was assigned to the Township of Pemberton Solicitor, Andrew Bayer, Esquire, following approval from the Executive Committee under a division of coverage as follows: 50% Township, and 50% BURLCOJIF. Defense Counsel filed an Answer on November 1, 2017 and an Initial Conference was conducted before Magistrate Schneider on January 3, 2018. Defense Counsel was initially attempting to negotiate the settlement of this matter for a payment to the Plaintiff in the amount of \$3,250.00; however, Plaintiff's Counsel failed to obtain authority from the Plaintiff for said proposed settlement. Defense Counsel subsequently proceeded with propounding initial Discovery upon the Plaintiff. On April 10, 2018, Defense Counsel advised the Fund Solicitor that he was ultimately able to negotiate the settlement of this matter for a payment to the Plaintiff in the amount of \$4,500.00 which was approved by and paid by the Township. A Stipulation of Dismissal with Prejudice has been filed with the Court.

3.) Pease v. Township of Mount Laurel-This matter involved the Plaintiff's allegations in a Superior Court of New Jersey, Burlington County Notice of Motion for Leave to File a Late Notice of Tort Claim arising from an incident which occurred on March 15, 2017. The Plaintiff, Frank Pease, alleged that he was lawfully on the property located at 436 Masonville Centerton Road, in the Township of Mt. Laurel, when he was caused to slip and fall as a result of ice in the parking lot. The Plaintiff further alleged that the Township of Mt. Laurel was negligent in allowing the dangerous condition of the parking lot to exist. The Plaintiff alleged that he sustained serious and permanent injuries as a result of the incident. There was no evidence presented that establishes that Mt. Laurel Township had jurisdiction over the parking lot where the Plaintiff fell. The case was assigned to John C. Gillespie, Esquire on March 15, 2018 and he immediately filed Opposition to the Plaintiff's Motion. On April 11, 2018, Judge Belgard entered a tentative decision denying the Plaintiff's Motion; however, the Plaintiff was provided the opportunity to request oral argument on the Motion. Oral Argument was not requested and on April 13, 2018 and Order was entered denying the Plaintiff's Motion and dismissing the matter with prejudice.

4.) Simmins v. Township of Westampton-This matter involved the Plaintiff's allegations in a Superior Court of New Jersey, Mercer County Complaint arising from an incident which occurred on March 8, 2016. The Plaintiff, Douglas Simmins, alleged that he was lawfully in the parking lot on the premises known as Walgreens, located at 800 Woodlane Road, in the Township of Westampton, when he was exiting his vehicle and he stepped into an uncovered sewer pipe. The Plaintiff alleged that as a result of the alleged dangerous and/or hazardous condition, he has suffered significant, severe and permanent injuries. The Plaintiff further alleged that the Township of Westampton was negligent in allowing the dangerous and/or hazardous condition of the parking lot to exist. The case was assigned to Douglas Heinold, Esquire on February 5, 2018. Based upon a potential conflict, the matter was re-assigned to Betsy G. Ramos, Esquire on February 16, 2018. Defense Counsel accepted the Assignment and she immediately provided notice to the Plaintiff's attorney to dismiss the frivolous Complaint in accordance with R. 1:4-8 based upon non-jurisdiction. In addition, Defense Counsel filed a Motion to Transfer Venue from Mercer County to Burlington County which was granted on March 16, 2018. A Stipulation of Dismissal without Prejudice as to the Township of Westampton only was filed on April 24, 2018.

5.) **Reed v. Borough of Palmyra**-This matter involved the Plaintiff's allegations in a United States District Court, District of New Jersey Complaint arising from a series of events that occurred between January of 2013 and February of 2015. On or about the beginning of 2013, the Plaintiff, William Reed, Jr., made the decision to attempt to sell his mother's residence located at 28 Pear Street, in the Borough of Palmyra. On June 17, 2013, the Borough Council of Palmyra adopted Ordinance 2013-17 which provided that all sellers of residential homes within the Borough limits were required to submit to and pass a Borough inspection to obtain a Certificate of Occupancy prior to any sale of a residential home within the Borough. Said Ordinance was subsequently amended in August of 2013 by Ordinance 2013-25 and it was determined that the new effective date for enforcement of Ordinance 2013-25 would be April 1, 2014. On February 7, 2014 the subject property was privately appraised at a fair market value of \$115,000.00, and shortly thereafter, a prospective Buyer made several inspections of the property and was prepared to purchase the property "As Is". On February 27, 2014, the Plaintiff accepted the prospective Buyer's offer of \$95,000.00 for the purchase of 28 Pear Street. The Plaintiff subsequently contacted the Borough Housing Official, Tracy Kilmer, regarding the sale of the property and the Plaintiff was informed of the requirements of Ordinance 2013-25. A housing inspection was subsequently conducted on March 10, 2014 and thirty-three code violations were cited at the property. As a result of the housing report and the lengthy amount of time required to make the mandated repairs to the property, the prospective Buyer terminated the Contract. A Certificate of Occupancy was ultimately issued on September 16, 2014 and the property was sold on December 15, 2014 for \$115,000.00. The Plaintiff alleged that Ordinance 2013-25 was wrongfully enforced by the Borough prior to the proposed effective date. The Plaintiff also alleged defamation claims and that as a result of the incident, he suffered physical injury, emotional distress, mental anguish, and sustained substantial economic loss and financial hardship. The case was assigned to Richard L. Goldstein, Esquire on March 1, 2016 as to the Defense of Borough of Palmyra Mayor Scheffler. Based upon potential conflicts of interest, Betsy Ramos, Esquire was subsequently assigned to represent the Borough of Palmyra and Palmyra Housing Official, Tracy Kilmer. In addition, the Complaint was submitted to the EPL/POL carrier, QBE, for a coverage determination on February 24, 2016; and coverage was ultimately denied by QBE. The Plaintiff issued an initial demand for settlement for a payment in the amount of \$100,000.00. Defense Counsel proceeded with the filing of a Motion to Dismiss former Mayor Scheffler as a Defendant, and that Motion was ultimately granted on October 28, 2016. Plaintiff's Counsel filed a Motion for Reconsideration which included a request for permission to file an Amended Complaint. Defense Counsel filed Opposition to the Motion; and on May 8, 2017, Judge Hillman entered an Order denying Plaintiff's Motion for Reconsideration. In addition, a Partial Stipulation of Dismissal of Count VII only as to the Borough was filed in December of 2016.

An Amended Scheduling Order was entered on May 9, 2017 extending the pretrial factual discovery deadline to June 30, 2017, with Dispositive Motions due October 13, 2017. Defense Counsel filed our Motion for Summary Judgment on October 5, 2017. The Plaintiff subsequently issued a reduced demand for settlement in the amount of \$30,000.00. On April 27, 2018, Judge Hillman ultimately entered an Order granting Defense Counsel's Motion for Summary Judgment and Denying Plaintiff's Motion to Amend the Complaint. According to the Judge's Opinion, he did find that the Plaintiff had standing to pursue the matter as his mother's Power of Attorney; however, Judge Hillman did not find any due process violation.

6.) Wilson v. Township of Delran-This matter involved the Plaintiff's allegations in a Superior Court of New Jersey, Burlington County Complaint that on March 27, 2014, the Plaintiff, Carmella Wilson, was lawfully on the property located at the corner of Farmington Road and Southview Drive, in the Township of Delran, when she was caused to trip and fall in a pothole. The Plaintiff further alleged that the Township of Delran was negligent in allowing the dangerous condition to exist. The Plaintiff alleged that she sustained a twisted knee and ankle with a possible meniscus tear. The case was assigned to Richard L. Goldstein, Esquire on April 29, 2016. Defense Counsel accepted the Assignment and he filed our Answer and he proceeded with Discovery. Depositions and a Defense IME were conducted. Defense Counsel's Motion to Extend the September 8, 2017 Discovery End Date was granted and the extended Discovery End Date was December 7, 2017; however, Plaintiff's Counsel filed an additional Motion to Extend the Discovery End Date which was granted. The further extended Discovery End Date was March 1, 2018. An Arbitration Hearing was conducted on March 15, 2018 and the Arbitrators determined the insured to be 70% liable. The Arbitrators awarded the Plaintiff the "gross" amount of \$100,000.00 (\$70,000.00 as to the insured). There was also a Medicare Lien that was approximately \$39,000.00, and therefore, the total Arbitration Award was for \$109,000.00. Defense Counsel filed a Trial de Novo and a Trial was scheduled in this matter for May, 7, 2018. In addition, Defense Counsel filed a Motion for Summary Judgment April 13, 2018 which was returnable before the Court on May 11, 2018. Prior to Trial and the decision on Defense Counsel's Motion for Summary Judgment, Defense Counsel was ultimately able to negotiate the settlement of this matter for a payment to the Plaintiff in the amount of \$92,500.00. An Order of Dismissal with Prejudice through Settlement was entered by the Court on April 30, 2018.

**BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND
SAFETY DIRECTOR'S REPORT**

TO: Fund Commissioners, Safety Coordinators, and Risk Managers
FROM: Robert Garish, Senior Risk Control Consultant
DATE: May 7, 2018

Service Team:

Keith Hummel Associate Director Public Sector Risk Control khummel@jamontgomery.com Office: 856-552-6862 Fax: 856-552-6863	Mailing Address: 231 Main Street P. O. Box 2017 Toms River, New Jersey 08754 Toll Free: 877-398-3046	John Saville Consultant jsaville@jamontgomery.com Office: 732-736-5009 Cell: 609-330-4092
Danielle Sanders Administrative Assistant dsanders@jamontgomery.com Office: 856-552-6898 Fax: 856-552-6899		Robert Garish Consultant rgarish@jamontgomery.com Office: 856-552-4650 Cell: 609-947-9719

APRIL ACTIVITIES

LOSS CONTROL SERVICES

- No visits were conducted during the month of April

JIF MEETINGS ATTENDED

- Safety Celebration Breakfast – April 10
- BURLCO Retreat – April 17
- Executive Committee Meeting – April 17
- Police Ad Hoc Committee Meeting – April 20

MEL MEDIA LIBRARY

The following members used the MEL Media Library during April. **Please note the new e-mail address: melvideolibrary@jamontgomery.com and telephone number: 856-552-4900.** To either view the full media catalog or rent videos, use the above website or NJMEL.org.

<u>Municipality</u>	<u># of Videos</u>
Township of Bass River	1
Borough of Wrightstown	3

MEL MEDIA CATALOG

To view the entire updated MEL Media Catalog with 100 new DVD titles go to NJMEL.org, click on the Video button at the top of the page, and then choose 'Order Conventional Videos.'

NEW SAFETY DIRECTOR'S BULLETINS AND NOTICES

Regional training announcements and Bulletins are distributed by e-mail to Fund Commissioners, Safety Coordinators, and Risk Consultants. Please access the BURLCO JIF (<http://www.burlcojif.org/>) to verify Fund Commissioners, Safety Coordinators and Risk Managers contact information is correct. If you find a discrepancy, please let us know.

The following Safety Director Bulletins and alerts were distributed by e-mail during April. If you are not receiving updates or would like to add other names to the distribution list, please let us know. If applicable, a copy or copies of the Safety Director's Bulletins are attached.

- Ø April 2 - Law Enforcement Bulletin on AG 2018 Directives
- Ø April 4 - Safety Director Message – Snow Damage to Recreational Facilities
- Ø April 9 - Reminder - You're Invited: Police Chief AD-HOC Committee Meeting - April 20, 2018
- Ø April 10 - Safety Director Bulletin – Chipper Safety
- Ø April 12 - Regional Training: Ergonomics- Reducing Injuries by Working Smart - May 10, 2018
- Ø April 13 - Reminder - You're Invited: Police Chief AD-HOC Committee Meeting - April 20, 2018
- Ø April 16 - Reminder - You're Invited: Police Chief AD-HOC Committee Meeting - April 20, 2018
- Ø April 24 - Law Enforcement Bulletin – Best Practices for School-Related Threats
- Ø April 25 - Did You Know? – MSI Training Schedule – BURLCO JIF, May 2018.
- Ø April 27 - Regional Training REMINDER: Ergonomics- Reducing Injuries by Working Smart - May 10, 2018

UPCOMING EVENTS

- Managerial & Supervisory Training – May 8
- Regional Training - Ergonomics – May 10
- New Fund Commissioner Training – May 15
- Executive Committee Meeting – May 15
- RMC Roundtable – May 23

RIGHT TO KNOW UPDATE

J. A. Montgomery Risk Control will include an additional feature with the annual Right-To-Know service. An electronic Central File will be distributed by email to each member town through a Dropbox link. After the on-site chemical inventory has been completed, the Safety Data sheets are collected, and the chemical data is entered into the State's RTK portal for each member. We will then send the Dropbox link to the Right-to-Know Coordinators. This additional process of preparing the items for the Dropbox will take time to prepare and distribute. We anticipate that all links will be emailed by the end of Spring 2018. As in prior years, the JIF's will not be billed until the service is completed for all member towns. The Dropbox link to each member town will include the following:

- **Safety Data Sheets-** Electronic inventory of all Safety Data Sheets (SDS) sorted for each reporting location. Note: members who choose to keep hardcopy documentation and binders for their SDS inventory would be responsible for printing the Safety Data Sheets and preparation of binders. However, please note that hardcopy documentation is not required, as long as electronic access is provided.
- **Hazardous Substance Facts Sheets** – An electronic link will be provided to view or obtain the HSFS prepared by the New Jersey Department of Health.

- **Right-to-Know Survey-** An electronic copy of the last full survey report and any subsequent surveys will be filed in chronological order.
- **Written Hazard Communication Program-** An electronic copy of the Hazard Communication Program will be customized for each reporting location.
- **Training Documentation-** If Hazard Communication / GHS safety training has been provided through the MSI, we will generate an electronic copy of the member's current training records, including the name and date of all persons trained.
- **Right to Know Poster** - An electronic ordering link will be provided so that the required posters can be ordered from the State for each location with the name of the official RTK Coordinator listed.
- **Instructions on how to download, store and share the files with affected departments and employees.**

MSI TRAINING PROGRAMS

NOTE: We need to keep our list of MSI Training Administrators up-to-date. If there are any changes, deletions or if you need to add a new Training Administrator, please advise (afelip@jamontgomery.com).

Below are upcoming MSI training programs scheduled for May, June and July of 2018. ***Enrollment is required for all MSI classes.*** MSI classes are subject to cancellation or rescheduling at any time.

Members are reminded to log on to the www.njmel.org website, then click on the MSI logo to access the Learning Management System where you can enroll your employees and verify classes. Enrolling your staff ensures you will be notified of any schedule changes.

If you need assistance using the MSI Learning Management System, please call the MSI helpline at 866-661-5120.

DATE	LOCATION	TOPIC	TIME
5/1/18	Township of Jackson	Jetter/Vacuum Safety	9:30 - 11:30 am
5/1/18	Township of Jackson	HazCom w/GHS	11:45 - 1:15 pm
5/1/18	Borough of Runnemede	Playground Safety Inspections	8:30 - 10:30 am
5/2/18	Township of Toms River	Heavy Equipment Safety	8:30 - 11:30 am
5/2/18	Borough of Avalon #4	Forklift Operator Train-the-Trainer	8:30 - 11:30 am
5/3/18	Borough of Deal #3	Fast Track to Safety	8:30 - 2:30 pm w/lunch brk
5/3/18	City of Brigantine #3	CSE-Permit Required w/Classroom Demo	8:30 - 12:30 pm
5/4/18	Township of Little Egg Harbor #1	Landscape Safety	8:00 - 11:00 am
5/4/18	Township of Little Egg Harbor #1	Back Safety/Material Handling	11:15 - 12:15 pm
5/4/18	Borough of Tinton Falls	Landscape Safety	7:30 - 10:30 am
5/4/18	City of Somers Point #1	Jetter/Vacuum Safety	8:00 - 10:00 am
5/7/18	Township of Middletown #5	Ladder Safety/Walking Working Surfaces	8:30 - 10:30 am
5/7/18	Township of Middletown #5	Fire Extinguisher	10:45 - 11:45 am
5/7/18	Township of Cherry Hill #4	Fall Protection Awareness	8:30 - 10:30 am
5/7/18	Township of Cherry Hill #4	LOTO	10:45 - 12:45 pm
5/7/18	Township of Hamilton #3	Heavy Equipment Safety	8:30 - 11:30 am
5/8/18	Township of Ocean (Waretown)	CDL-Drivers Safety Regulations	8:30 - 10:30 am

DATE	LOCATION	TOPIC	TIME
5/8/18	Township of Ocean (Waretown)	Hearing Conservation	10:45 - 11:45 am
5/8/18	City of Ventnor	Flagger/Work Zone	9:00 - 1:00 pm
5/10/18	Borough of Beachwood #3	Fire Extinguisher	12:30 - 1:30 pm
5/10/18	Borough of Beachwood #3	Hearing Conservation	1:45 - 2:45 pm
5/10/18	Township of Winslow	CMVO	8:00 - 12:00 pm
5/10/18	City of Vineland	Fall Protection Awareness	9:00 - 11:00 am
5/11/18	Borough of Tinton Falls #1	Shop & Tool Safety	8:45 - 9:45 am
5/11/18	Township of Mantua	Sanitation/Recycling Safety	12:30 - 2:30 pm
5/11/18	City of Somers Point #1	Confined Space Awareness	8:00 - 9:00 am
5/11/18	City of Somers Point #1	Hearing Conservation	9:15 - 10:15 am
5/14/18	Township of Hazlet	Flagger/Work Zone	8:30 - 12:30 pm
5/15/18	Borough of Red Bank	Seasonal (Summer) Employee Orientation	8:00 - 12:00 pm
5/15/18	Borough of Clementon #3	Confined Space Awareness	8:30 - 9:30 am
5/15/18	Borough of Clementon #3	Fire Extinguisher	9:45 - 10:45 am
5/15/18	Borough of Clementon #3	Hearing Conservation	11:00 - 12:00 pm
5/16/18	Township of Marlboro #3	PPE	8:00 - 10:00 am
5/16/18	Township of Marlboro #3	Shop & Tool Safety	10:15 - 11:15 am
5/16/18	Township of Marlboro #3	Fire Extinguisher	11:30 - 12:30 pm
5/17/18	City of Millville #1	Fast Track to Safety	8:30 - 2:30 pm w/lunch brk
5/18/18	Borough of Union Beach #2	Playground Safety Inspections	8:00 - 10:00 am
5/18/18	Borough of Union Beach #2	Back Safety/Material Handling	10:15 - 11:15 am
5/18/18	Township of Carneys Point #2	Accident Investigation	8:30 - 10:30 am
5/18/18	Township of Carneys Point #2	CDL-Supervisors Reasonable Suspicion	10:45 - 12:45 pm
5/21/18	City of Wildwood #3	Employee Conduct/Violence Prevention	8:30 - 10:00 am
5/22/18	Township of Barnegat	DDC-6	8:00 - 2:30 pm w/lunch brk
5/22/18	Township of Wall #7	Excavation/Trenching/Shoring	8:30 - 12:30 pm
5/22/18	Borough of Runnemede	Heavy Equipment Safety	8:30 - 11:30 am
5/22/18	City of Pleasantville #1	Safety Coordinators' Skills Training	8:30 - 3:00 pm w/lunch brk
5/23/18	Borough of Eatontown #2	Fall Protection Awareness	8:30 - 10:30 am
5/23/18	Borough of Eatontown #2	Employee Conduct/Violence Prevention	10:45 - 12:15 pm
5/23/18	Township of Hainesport #1	Excavation/Trenching/Shoring	8:30 - 12:30 pm
5/24/18	Jackson Twp. MUA	HazMat Awareness w/HazCom GHS	8:00 - 11:00 am
5/24/18	Jackson Twp. MUA	Fire Extinguisher	11:15 - 12:15 pm
5/24/18	Township of Winslow	Landscape Safety	8:00 - 11:00 am
5/24/18	City of Vineland	Fall Protection Awareness	9:00 - 11:00 am
5/30/18	Borough of Rumson #1	Landscape Safety	8:00 - 11:00 am
5/30/18	Western Monmouth UA	DDC-6	8:30 - 3:00 pm w/lunch brk
5/31/18	City of Vineland	CDL-Supervisors Reasonable Suspicion	12:30 - 2:30 pm

DATE	LOCATION	TOPIC	TIME
6/1/18	Township of Manchester	PPE	8:30 - 10:30 am
6/1/18	Township of Manchester	Hearing Conservation	10:45 - 11:45 am
6/1/18	Township of Tabernacle #1	Fire Safety	8:30 - 9:30 am
6/1/18	Township of Tabernacle #1	Fire Extinguisher	9:45 - 10:45 am
6/1/18	Township of Carneys Point #2	Landscape Safety	8:30 - 11:30 am
6/4/18	Township of Ocean (Waretown)	Flagger/Work Zone Safety	8:30 - 12:30 pm
6/4/18	Township of Washington (Gloucester)	Fast Track to Safety	8:30 - 2:30 pm w/lunch brk
6/5/18	Borough of Bradley Beach	HazCom w/GHS	9:00 - 10:30 am
6/5/18	Township of Barnegat #1	Excavation/Trenching/Shoring	9:00 - 1:00 pm
6/6/18	Township of Freehold	Ladder Safety/Walking Working Surfaces	2:00 - 4:00 pm
6/6/18	Western Monmouth UA	DDC-6	8:30 - 3:00 pm w/lunch brk
6/7/18	Township of Middletown #5	Seasonal (Summer) Employee Orientation	8:30 - 12:30 pm
6/7/18	Township of Lacey #4	Excavation/Trenching/Shoring	8:30 - 12:30 pm
6/7/18	Township of Cherry Hill #5	Employee Conduct/Violence Prevention	8:30 - 10:00 am
6/7/18	Township of Cherry Hill #5	Back Safety/Material Handling	10:15 - 11:15 am
6/7/18	Township of Cherry Hill #5	BBP	11:30 - 12:30 pm
6/8/18	Township of Little Egg Harbor #1	Fast Track to Safety	8:30 - 2:30 pm w/lunch brk
6/8/18	City of Burlington #2	Landscape Safety	8:30 - 11:30 am
6/11/18	Township of Moorestown	Heavy Equipment Safety	8:30 - 11:30 am
6/12/18	South Monmouth Regional SA	Fall Protection Awareness	8:30 - 10:30 am
6/12/18	South Monmouth Regional SA	Back Safety/Material Handling	10:45 - 11:45 am
6/13/18	Township of Lacey #4	CSE-Permit Required w/Classroom Demo	8:30 - 12:30 pm
6/13/18	Western Monmouth UA	CDL-Drivers Safety Regulations	8:30 - 10:30 am
6/13/18	Western Monmouth UA	PPE	10:45 - 12:45 pm
6/13/18	City of Pleasantville #1	Hazard ID: Making Your Observation Count	8:30 - 10:30 am
6/13/18	City of Pleasantville #1	Tool Box Talk Essentials	10:45 - 12:15 pm
6/14/18	Borough of Collingswood	Ladder Safety/Walking Working Surfaces	8:30 - 10:30 am
6/14/18	Borough of Collingswood	Tool Box Talks Essentials	10:45 - 12:15 pm
6/15/18	Borough of Lavallette #1	Sanitation/Recycling Safety	8:30 - 10:30 am
6/15/18	Borough of Pitman	Flagger/Work Zone Safety	8:30 - 12:30 pm
6/18/18	Township of Manchester #4	Employee Conduct/Violence Prevention	12:30 - 2:00 pm
6/18/18	Township of Manchester #4	Fire Extinguisher	2:15 - 3:15 pm
6/19/18	Township of Middletown #5	Flagger/Work Zone	8:30 - 12:30 pm
6/19/18	Borough of Runnemede	CDL-Drivers Safety Regulations	8:30 - 10:30 am
6/19/18	Borough of Runnemede	Jetter/Vacuum Safety	10:45 - 12:45 pm
6/20/18	Lower Township MUA	Hearing Conservation	8:30 - 9:30 am

DATE	LOCATION	TOPIC	TIME
6/20/18	Lower Township MUA	Shop & Tool Safety	9:45 - 10:45 am
6/20/18	Borough of Wildwood Crest #1	Sanitation/Recycling Safety	12:00 - 2:00 pm
6/22/18	Township of Mantua	HazMat Awareness w/HazCom GHS	12:00 - 3:00 pm
6/25/18	Township of Hazlet	Heavy Equipment Safety	8:30 - 11:30 am
6/27/18	Ocean County College #3	Hazard ID: Making Your Observation Count	8:30 - 10:30 am
6/27/18	Ocean County College #3	Driving Safety Awareness	10:45 - 12:15 pm
6/27/18	Borough of Wildwood Crest #2	CDL-Drivers Safety Regulations	10:00 - 12:00 pm
6/27/18	Borough of Wildwood Crest #2	Driving Safety Awareness	12:30 - 2:00 pm
6/28/18	Jackson Twp. MUA	LOTO	8:30 - 10:30 am
6/28/18	Jackson Twp. MUA	Hearing Conservation	10:45 - 11:45 am
6/29/18	Borough of Tinton Falls	Jetter/Vacuum Safety	7:30 - 9:30 am
6/29/18	Township of Carneys Point #2	Flagger/Work Zone Safety	8:30 - 12:30 pm
7/2/18	Township of Toms River	Seasonal (Summer) Employee Orientation-Evening	6:30 - 10:30 pm
7/9/18	Borough of Magnolia	Jetter/Vacuum Safety	10:00 - 12:00 pm
7/9/18	Borough of Magnolia	BBP	12:30 - 1:30 pm
7/10/18	Township of Barnegat #1	CSE-Permit Required w/Classroom Demo	9:00 - 1:00 pm
7/10/18	City of Pleasantville #1	HazMat Awareness w/HazCom GHS	8:00 - 11:00 am
7/10/18	City of Pleasantville #1	Back Safety/Material Handling	11:15 - 12:15 pm
7/11/18	Ocean County College #8	HazCom w/GHS	8:30 - 10:00 am
7/11/18	Ocean County College #8	Employee Conduct/Violence Prevention	10:15 - 11:45 am
7/11/18	Township of Toms River	Seasonal (Summer) Employee Orientation-Evening	6:30 - 10:30 pm
7/11/18	Township of Burlington #3	Seasonal (Summer) Employee Orientation	8:00 - 12:00 pm
7/11/18	Borough of Wildwood Crest #2	Heavy Equipment Safety	9:00 - 12:00 pm
7/12/18	Township of Jackson	PPE	9:30 - 11:30 am
7/12/18	Township of Jackson	Sanitation/Recycling Safety	11:45 - 1:45 pm
7/13/18	Township of Manchester	Flagger/Work Zone	8:30 - 12:30 pm
7/13/18	Township of Berlin #2	Hoists, Cranes, Rigging Safety	8:00 - 10:00 am
7/13/18	Township of Berlin #2	Confined Space Awareness	10:15 - 11:15 am
7/13/18	Township of Carneys Point #3	CMVO	8:30 - 12:30 pm
7/17/18	Township of Middletown #5	DDC-6	8:30 - 3:00 pm w/lunch brk
7/18/18	Borough of Red Bank	Employee Conduct/Violence Prevention	1:00 - 2:30 pm
7/18/18	Lower Township MUA	CMVO	8:30 - 12:30 pm
7/19/18	Township of Moorestown	PPE	8:30 - 10:30 am
7/19/18	Township of Moorestown	Shop & Tool Safety	10:45 - 11:45 am
7/20/18	Borough of Union Beach #2	LOTO	8:00 - 10:00 am

DATE	LOCATION	TOPIC	TIME
7/20/18	Borough of Union Beach #2	Hearing Conservation	10:15 - 11:15 am
7/20/18	Borough of Pitman	Heavy Equipment Safety	8:30 - 11:30 am
7/25/18	Township of Marlboro #3	HazMat Awareness w/HazCom GHS	8:30 - 11:30 am
7/27/18	Borough of Neptune City #1	LOTO	7:30 - 9:30 am
7/27/18	Borough of Neptune City #1	Shop & Tool Safety	9:45 - 10:45 am
7/27/18	Township of Mantua	Fire Extinguisher	12:30 - 1:30 pm
7/27/18	Township of Mantua	Hearing Conservation	1:45 - 2:45 pm
7/30/18	Township of Middletown #5	CDL-Supervisors Reasonable Suspicion	8:30 - 10:30 am
7/30/18	Township of Middletown #5	Safety Committee Best Practices	10:45 - 12:15 pm

CEU's for Certified Publics Works Managers			
MSI Course	CEU's/Cat.	MSI Course	CEU's/Cat.
Accident Investigation	2 / M	Hazardous Materials Awareness w/ HazCom & GHS	3 / T
Advanced Safety Leadership	10 / M	Hazard Identification - Making Your Observations Count	1 / T,M
Asbestos, Lead & Silica Industrial Health Overview	1 / T,G	Hearing Conservation	1 / T,G
Back Safety / Material Handling	1 / T	Heavy Equipment Safety	1 / G - 2 / T
Bloodborne Pathogens Training	1 / G	Hoists, Cranes and Rigging	2 / T
Bloodborne Pathogens Administrator Training	1 / T,M	Housing Authority Safety Awareness	3 / T
BOE Safety Awareness	3 / T	Jetter Safety	2 / T
CDL – Supervisors Reasonable Suspicion	2 / M	Landscape Safety	2 / T
CDL - Drivers' Safety Regulations	2 / G	Leaf Collection Safety Awareness	2 / T
Coaching the Maintenance Vehicle Operator	2 / T,M	Lockout Tagout	2 / T
Confined Space Entry – Permit Required	3.5 / T	Personal Protective Equipment (PPE)	2 / T
Confined Space Awareness	1 / T,G	Playground Safety	2 / T
Driving Safety Awareness	1.5 / T	Sanitation and Recycling Safety	2 / T
Employee Conduct and Violence in the Work Place	1.5 / E	Safety Committee Best Practices	1.5 / M
Excavation Trenching & Shoring	2 / T,M	Safety Coordinator's Skills Training	3 / M,G
Fall Protection Awareness	2 / T,M	Shop and Tool Safety	1 / T
Fast Track to Safety	4 / T	Seasonal Public Works Operations	3 / T
Fire Extinguisher	1 / T	Snow Plow Safety	2 / T
Fire Safety	.5/T - .5/ G	Special Events Management	2 / M
Flagger / Workzone Safety	2 / T,M	Toolbox Talk Essentials	1 / M
HazCom with Globally Harmonized System	1 / T,G		
CEU's for Registered Municipal Clerks			
MSI Course	CEU's/Cat.	MSI Course	CEU's/Cat.
Asbestos, Lead & Silica Industrial Health Overview	1 / P	Hazard Identification - Making your Observations Count	2 / P
Bloodborne Pathogens Training	1 / P	Safety Committee Best Practices	1.5 / P
Employee Conduct and Violence in the Work Place	1.5 / E	Safety Coordinator's Skills Training	6 / P
		Special Event Management	2 / P
TCH's For Water/ Wastewater			
MSI Course	TCH's/Cat.	MSI Course	TCH's/Cat.
Accident Investigation	1.5 / S	Hazardous Materials Awareness w/ HazCom & GHS	3 / S
Advanced Safety Leadership	10 / S	Heavy Equipment Safety	3 / S
Asbestos, Lead & Silica Industrial Health Overview	1 / S	Housing Authority Safety Awareness	3 / S
Back Safety / Material Handling	1 / S	Hazard Identification - Making your Observations Count	1.5 / S
Bloodborne Pathogens Training	1 / S	Hearing Conservation	1 / S
Bloodborne Pathogens Administrator Training	2 / Non S	Hoists, Cranes and Rigging	2 / S
BOE Safety Awareness	3 / S	Jetter Safety	2 / S
CDL – Supervisors Reasonable Suspicion	1.5 / S	Ladder Safety/Walking Working Surfaces	2 / S
CDL - Drivers' Safety Regulations	2 / S	Landscape Safety	2 / S
Confined Space Awareness	1 / S	Leaf Collection Safety Awareness	2 / S
Confined Space Entry - Permit Required	3.5 / S	Lockout Tagout	2 / S
Defensive Driving-6-Hour	5.5 / S	Shop and Tool Safety	1 / S
Driving Safety Awareness	1.5 / S	Office Safety	2 / S
Employee Conduct and Violence in the Work Place	1.5 / Non S	Personal Protective Equipment (PPE)	2 / S
Excavation Trenching & Shoring	4 / S	Safety Committee Best Practices	1.5 / S
Fall Protection Awareness	2 / S	Safety Coordinator's Skills Training	5 / Non S
Fast Track to Safety	5 / S	Seasonal Public Works Operations	3 / S
Fire Extinguisher	1 / S	Snow Plow Safety	2 / S
Fire Safety	1 / S	Special Event Management	2 / S
Flagger / Workzone Safety	2 / S	Toolbox Talk Essentials	1 / S
HazCom with Globally Harmonized System	1.5 / S		
CEU's for Tax Collectors		CEU's for County/Municipal Finance Officers	
MSI Course	CEU's/Cat.	MSI Course	CEU's/Cat.
Employee Conduct and Violence in the Work Place	1.5 / E	Employee Conduct and Violence in the Work Place	1.5 / E
CEU's for Certified Recycling Professionals		CEU's for Qualified Purchasing Agents	
MSI Course	CEU's/Cat.	MSI Course	CEU's/Cat.
Fire Extinguisher Safety	1 / CRP	Employee Conduct and Violence in the Work Place	1.5 / E
Hazard Recognition- Making your Observations Count	2 / CRP		
Heavy Equipment	3 / CRP		
Sanitation and Recycling Safety	2 / CRP		
***Category			
E - Ethics			
T - Technical			
G - Governmental			
S - Safety / Non S - Non Safety			
Non S - Non Safety (Management)			
P - Professional Development			
M - Management			
CRP - Certified Recycling Professional Classroom CEU			

LESSONS LEARNED FROM LOSSES

MONTHLY NEWSLETTER - MAY 2018

CYBER INCIDENTS



Preparedness to combat a cyber attack takes the form of the following:

- Employee training – What to click on and what not to click on? Know your sender. Know how to hover.
- Policies and procedures in place in the event something does happen
- Follow up to address new kinds of threats as they most certainly will develop.

Did You Know?

- The City of Atlanta ransomware attack may have occurred due to an employee simply clicking on an attachment to an email without knowing the sender.
- Email addresses embedded in an email can very easily be edited

Example 1: Social Engineering - a municipal treasurer received an email that appeared to be from the CFO directing a payment to be made on a current town project, but was actually a “spoofed” email to make it look like it was from the CFO. The \$20,000 payment was made to the fraudster without double checking.

Example 2: An employee clicked on a “spoofed” link in the body of an email downloading ransomware to the infected device and others on the network. The municipality had daily backups but they were performed on the same network so lost data could not be reconstructed. Total costs involved were \$60,000.

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND WELLNESS DIRECTOR'S REPORT

TO: Municipal Fund Commissioners, Safety Coordinators, and Risk Managers
FROM: Debby Schiffer, JIF Wellness Director
DATE: May 15, 2018 Hainesport Municipal Court
Contact Information: debby_schiffer@targetingwellness.com 856-322-1220

MAY ACTIVITY & PLANNED EVENTS

Presentations scheduled for May:

Beverly City – ShopRite Dietitian on the Mediterranean Diet and healthy lunch
Hainesport – ShopRite Dietitian and healthy lunch
Medford – ShopRite Dietitian Smoothie Demonstration and tasting

Challenges Continue:

Bordentown Twp – Home Run Challenge running from April 16th to May 25th
Florence - Maintain Don't Gain – this will run throughout the year
Florence – Home Run Challenge running April 2nd to October 28th World Series
NEW – Hainesport – Home Run Challenge Month of May
NEW – Westampton – Home Run Challenge Month of May

Other:

Hainesport – “Smoothie of the Month” – second Monday each month
Medford - Employee Health And Team Building Event (Mammo Van)

Other Scheduled Events:

- Ergonomic Training with J.A. Montgomery
- RMC Roundtable Discussion

If you are planning any events, please just let me know so I may help and share with the other members. Thank you!

May Wellness Connection Newsletter

The month of May has several observances: Better Sleep, Melanoma/Skin Cancer and Mental Health. Focus was dedicated to:

- Preventing Skin Cancer – protection from the sun, what to look for during body mole examinations
- What are The Blue Zones? How can we benefit from some of their lifestyle practices?
- Your sleep positions and what it can tell you
- Early warning signs of mental health issues along with tips to boost your mental health
- Recipe Corner – Grilled Corn and Chickpea Salad

This month's Challenge – 30 day Mental Health Cleanse!

NJWELL: Remind employees with “NJ State Health Insurance” to work towards earning \$250 by completing health and wellness screenings along with other activities by October 31, 2018. Have them go to <http://www.state.nj.us/treasury/pensions/njwell/>

Extra brochures available – I will drop more off as I visit but please reach out to me beforehand should you need more.

Looking into additional resources in our area:

- Burlington County Health Dept – any new topics to offer
- Cooper Hospital and Deborah Hospital – speakers available with minimum requirement for attendance.

Topics to consider this month: sun safety, hydration, heat stroke prevention, grill safety, eating fresh produce, staying active, planning a vacation for mental health!



**Burlington County Municipal JIF
Managed Care Summary Report
2018**

Intake	April-18	April-17	2018 April YTD	2017 April YTD
# of New Claims Reported	9	20	69	62
# of Report Only	3	4	22	19
% Report Only	33.3%	20.0%	31.9%	30.6%
# of Medical Only	6	14	34	35
# of Lost Time	0	2	13	8
Medical Only to Lost Time Ratio	100:00	88:12	72:28	81:19
Average # of Days to Report a Claim	2.1	0.4	2.9	2.3

Nurse Case Management	April-18	April-17
# of Cases Assigned to Case Management	21	14
# of Cases >90 days	13	13

Savings	April-18	April-17	2018 April YTD	2017 April YTD
Bill Count	196	70	597	407
Provider Charges	\$224,912	\$103,295	\$806,574	\$590,119
Repriced Amount	\$88,491	\$39,342	\$379,469	\$222,955
Savings \$	\$136,421	\$63,953	\$427,105	\$367,164
% Savings	60.7%	61.9%	53.0%	62.2%

Participating Provider Penetration Rate	April-18	April-17	2018 April YTD	2017 April YTD
Bill Count	92.9%	100.0%	92.0%	96.1%
Provider Charges	91.8%	100.0%	93.8%	98.0%

Exclusive Provider Panel Penetration Rate	April-18	April-17	2018 April YTD	2017 April YTD
Bill Count	88.9%	98.1%	81.4%	87.3%
Provider Charges	87.8%	99.8%	86.2%	95.6%

Transitional Duty Summary		2018 April YTD	2017 April YTD
% of Transitional Duty Days Worked		53.0%	84.9%
% of Transitional Duty Days Not Accommodated		47.0%	15.1%

May 7, 2018

To the Members of the
Executive Board of the
Burlington County Municipal
Joint Insurance Fund

I have enclosed for your review and, in some cases consideration, documents of presentation relating to claims, transfers, and the financial condition of the Fund.

The statements included in this report are prepared on a “modified cash basis” and relate to financial activity through the one month period ending April 30, 2018 for Closed Fund Years 1991 to 2013, and Fund Years 2014, 2015, 2016, 2017 and 2018. The reports, where required, are presented in a manner prescribed or permitted by the Department of Insurance and the Division of Local Government Services of the Department of Community Affairs.

All statements contained in this report are subject to adjustment by annual audit.

A summary of the contents of these statements is presented below.

INVESTMENT INTEREST & INVESTMENTS:

Interest received or accrued for the reporting period totaled \$ 17,118.80. This generated an average annual yield of 1.12%. However, after including an unrealized net gain of \$29,820.42 in the asset portfolio, the yield is adjusted to 3.08% for this period. The total overview of the asset portfolio for the fund shows an overall unrealized loss of \$232,076.64 as it relates to current market value of \$ 17,735,822.96 vs. the amount we have invested. This current market value, however, when considering the total accrued income at month end is \$17,814,107.02.

Our asset portfolio with Wilmington/Trust consists of 8 obligations with maturity greater than one year.

RECEIPT ACTIVITY FOR THE PERIOD

Subrogation Receipts \$ 3,009.74 w/YTD Total \$ 56,859.75 (detailed in my report)
Salvage Receipts \$ 0.00
Overpayment Reimbursements \$ 0.00
FY 2016 Approp. Refunds \$ 71.18
FY 2015 Approp. Refunds \$ 71.36

LOSS RUN PAYMENT REGISTER ACTIVITY FOR THE PERIOD:

The enclosed report shows net claim activity during the reporting period for claims paid by the fund and claims payable by the Fund at period end in the amount of \$ 320,855.85. The claims detail shows 348 claim payments issued.

A.E.L.C.F. PARTICIPANT BALANCES AT PERIOD END: (\$120. Interest Allocated)

Delran Township	\$65,303.00
Chesterfield Township	\$ 1,071.00
Bordentown City	\$37,692.00
Bordentown Township	\$13,755.00
Westampton Township	\$10,024.00

CASH ACTIVITY FOR THE PERIOD:

The enclosed reconciliation report details that during the reporting period the Fund's "Cash Position" changed from an opening balance of \$ 18,828,523.66 to a closing balance of \$ 17,709,155.93 showing a decrease in the fund of \$ 1,119,367.73. A detailed reconciliation of this change, including its affect on our banking instruments, is included in my report.

BILL LIST FOR THE PERIOD:

Vouchers to be submitted for your consideration at the scheduled meeting show on the accompanying bill list at the end of my report.

The information contained in this cover report is a summary of key elements related to activity during the reporting period. Other detailed information is contained in the attached documents and, if desired, a more specific explanation on any question can be obtained by contacting me at 609-744-3597.

Respectfully Submitted,

Thomas J. Tontarski
Treasurer

**BURLINGTON COUNTY
MUNICIPAL JOINT INS. FUND
Subrogation Report
Calendar Year 2018**

DATE REC'D	CREDITED TO:	CLAIM/ FILE NUMBER	CLAIMANT NAME	COV. TYPE	FUND YEAR	AMOUNT RECEIVED	RECEIVED Y.T.D.
1/18	WRIGHTSTOWN BORO	X06829	WRIGHTSTOWN BORO	PR	2010	25.00	
1/18	EDGEWATER PARK	Z42992	MARK HERKOPEREC	WC	2016	50.00	
1/22	PEMBERTON TWP.	1243851	ANTHONY LUSTER	WC	2015	23.00	
1/23	MOUNT LAUREL TWP.	2017098364	MOUNT LAUREL TWP.	PR	2017	26,829.55	
1/23	MOUNT LAUREL TWP.	2017098364	MOUNT LAUREL TWP.	PR	2017	22,792.99	
1/25	DELANCO TOWNSHIP	X34461	DELANCO TOWNSHIP	PR	2012	70.00	
TOTAL-JAN						49,790.54	
TOTAL-YTD							49,790.54
2/1	RIVERSIDE TWP.	1223718	AMAYA URTASUN	WC	2015	140.74	
2/1	MEDFORD TWP.	1211751	ROBERT ZANE	WC	2014	1,448.42	
2/1	MEDFORD TWP.	1211750	WILLIAM KNECHT	WC	2014	1,248.43	
2/14	PEMBERTON TWP.	1243851	ANTHONY LUSTER	WC	2015	23.00	
2/16	EDGEWATER PARK	Z42992	MARK HERKOPEREC	WC	2016	50.00	
2/21	DELANCO TOWNSHIP	2018113892	DELANCO TOWNSHIP	PR	2017	945.88	
TOTAL-FEB						3,856.47	
TOTAL-YTD							53,647.01
3/13	WRIGHTSTOWN BORO	X06829	WRIGHTSTOWN BORO	PR	2010	50.00	
3/13	RIVERSIDE TWP.	1229747	MICHAEL MEGARA	WC	2015	153.00	
TOTAL-MAR						203.00	
TOTAL-YTD							53,850.01
4/2	PEMBERTON TWP.	1226444	BRIAN BARTLESON	WC	2015	1,160.00	
4/2	RIVERSIDE TWP.	1223718	AMAYA URTASUN	WC	2015	80.74	
4/4	PEMBERTON TWP.	2018121412	PEMBERTON TWP.	PR	2017	1,650.00	
4/4	PEMBERTON TWP.	1243851	ANTHONY LUSTER	WC	2015	23.00	
4/12	RIVERSIDE TWP.	1229747	MICHAEL MEGARA	WC	2015	48.00	
4/13	PEMBERTON TWP.	1243851	ANTHONY LUSTER	WC	2015	48.00	
TOTAL-APR						3,009.74	
TOTAL-YTD							56,859.75

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

BILL LIST - MAY 2018

	Payee	FY 2018	FY2017	JIF Appropriation	Description
1	Arthur J. Gallagher Risk Management Services, Inc.	28,966.00		Prof Services/Administration	May 2018 Fees
2	Arthur J. Gallagher Risk Management Services, Inc.	308.91		Misc/Postage/Copies/Faxes	April 2018 postage/copies expenses
3	Arthur J. Gallagher Risk Management Services, Inc.	250.00		Misc/Annual Planning Retreat	Deposit for planning retreat; Café Madison; AR Amex
4	The DeWeese Law Firm, P.C.	5,525.00		Prof Services/Attorney	May 2018 Fees
5	Qual-Lynx	16,414.00		Prof Services/Claims Admin.	May 2018 Fees
6	Exigis LLC	550.00		Exposure Data Mgmt System	May 2018 Fees
7	Joyce Media	225.00		Misc/JIF Website	May 2018 Fees
8	Joyce Media	36.00		Misc/JIF Website	SIR plug in programming fee
9	Kris Kristie	368.00		Misc/Recording Secretary	May 2018 Fees
10	J. A. Montgomery Risk Control Services	10,391.00		Prof Services/Safety Director	May 2018 Fees
11	Tom Tontarski	912.00		Prof Services/Treasurer	May 2018 Fees
12	Conner Strong & Buckelew	646.00		Prof Services/Underwriting Mgr	May 2018 Fees
13	Conner Strong & Buckelew	1,042.00		Misc/Fidelity Bond (Admin/TPA/Treasurer)	P#B6024103; Ex dir/treasurer/QL
14	Debby Schiffer	2,445.00		Wellness Program	May 2018 Fees
15	ARC Reprographics	352.58		Misc/Printing	Inv#272147 EO dinner 2/6; Inv#272683 Police 4/23
16	ARC Reprographics	1,314.68		Misc/Annual Planning Retreat	Inv#272620 Retreat binders
17	Courier Times (BCT)	47.14		Misc/Legal Notices	5/1 Tech Risk Mgmt RFP
18	Iron Mountain	62.16		Misc/Record Retention Service	#AAHP101 Storage 5/1/18-5/31/18; Service 3/27/18-4/24/18
19	The Madison	3,431.60		Misc/Annual Planning Retreat	4/17/18 Annual Planning Retreat; F/B/G
20	Nicolosi's Catering	1,102.24		EPL/Cyber Consult/Training	4/26/18 Police Command Staff training AM/PM
21	Office Depot	279.93		Misc/Office Supplies	order #134459867-001 file folders
22	Delanco Township		1,650.00	Safety Incentive Program	Full check reimbursement
23	North Hanover Township		1,975.00	Safety Incentive Program	Employee appreciation dinner
24	North Hanover Township	882.72		Optional Safety Budget	Emergency Lights
25	North Hanover Township	143.18		Wellness Program	Wellness luncheon
26	Borough of Palmyra		1,975.00	Safety Incentive Program	Full check reimbursement
27	Southampton Township		1,975.00	Safety Incentive Program	Full check reimbursement
28	Everett Marshall	210.56		Safety Incentive Program	Travel expenses split for talk at Safety Breakfasts
29	Everett Marshall Charities	750.00		Safety Incentive Program	Donation to EM charity for training members
	TOTAL	\$76,655.70	\$7,575.00		

JIF BILL LIST TOTAL

\$84,230.70

Environmental Alert



Photo credit: First Environment, Inc.

Changes to the New Jersey UST Regulations

On May 15, 2017, the New Jersey Department of Environmental Protection (NJDEP) published a new rule to toughen up the requirements for managing regulated underground storage tanks (USTs) in New Jersey. On January 16, 2018, these amendments to the regulation were made final. The list of changes is extensive and includes amendments (or additions) to at least the following requirements:

- Secondary containment
- Operator training
- Civil and administrative penalties
- UST service provider certifications
- UST registration and notification
- Operations and maintenance/self-inspections
- Field constructed tanks
- Airport hydrant systems
- Partially regulated UST systems

In New Jersey, a regulated UST system refers to any one or combination of tanks, including appurtenant pipes, lines, fixtures, and other related equipment, with a tank capacity of 2,001 gallons or more used to store heating oil for on-site consumption in a nonresidential building, the volume of which, including the volume of the appurtenant pipes, lines, fixtures, and other related equipment, is 10 percent or more below the ground.

-Adapted from N.J.A.C. 7-14B.14

What follows is a brief review of several noteworthy changes.

Underground Storage Tank Facility Certification Questionnaire

The new regulations require that UST owners/operators submit the entire financial responsibility document (such as an insurance policy) when filing the Underground Storage Tank Facility Certification Questionnaire (USTFCQ). For EJIF members who have grown accustomed to submitting an insurance certificate, this will no longer be sufficient; the EJIF is currently working on ways to make the submittal of the entire policy easier for members. In addition, although e-mail is not a **federally** approved method for USTFCQ submittal, the NJDEP is accepting and encouraging electronic submittals of

April 2018

financial assurance documents through e-mail. The entire copy of your current UST Financial Responsibility Insurance policy – including all endorsements or certificates – can be e-mailed to srpustregistration@dep.nj.gov.

In addition, the USTFCQ form itself has been revised to incorporate the regulatory changes. The new USTFCQ is available at <http://www.nj.gov/dep/srp/forms/ust/> and will need to be submitted on an annual basis under the new rule.

New Jersey UST Operator Training

In order to comply with U.S. Environmental Protection Agency (EPA) regulations (40 C.F.R. Part 280), the NJDEP has now instituted a three-tier (Classes A, B, and C) training and certification program. All regulated UST systems at facilities are required to have an authorized operator (one who has participated in training and passed the accompanying exam) no later than **October 13, 2018**. The purpose of this requirement is to ensure that owners and operators understand how to properly operate and maintain their UST systems to prevent emergencies and/or environmental contamination. As UST systems have become more complicated – especially with computerized monitoring and leak detection systems – there is a growing amount of technical competencies required of on-site personnel. Training classes are given in conjunction with Rutgers University, and a schedule of class locations and schedules can be found here:

<http://www.cpe.rutgers.edu/brochures/intros/ust-AB.html>.

The EJIF has been communicating with Acting Bureau Chief John Olko (NJDEP) and Rutgers University to see that additional training classes are offered before the October 2018 deadline; as a result, several new training classes have been added (and some of the new classes are already sold out). Each regulated UST system or group of UST systems at a facility must have a Class A, Class B, and Class C operator designated.

- **Class A Operator** - “A Class A operator has primary responsibility to operate and maintain the UST system. The Class A operator’s responsibilities include managing resources and personnel, and activities such as establishing work assignments to achieve and maintain compliance with regulatory requirements. In general, this individual focuses on the broader aspects of the statutory and regulatory requirements and standards necessary to operate and maintain the UST system (i.e., N.J.A.C. 7:14B).”
- **Class B Operator** - “A Class B operator implements applicable UST regulatory requirements and standards (i.e., N.J.A.C. 7:14B) in the field. This individual implements the day-to-day aspects of operating, maintaining and recordkeeping for USTs at one or more facilities. ”
- **Class C Operator** - “A Class C operator is an individual who would act as the first line of response to any event which results in an emergency condition. This individual is responsible for responding to alarms or other indications of emergencies caused by spills or releases from UST systems. This individual notifies the Class B or Class A operator and appropriate emergency responders when necessary. Not all employees of the facility are necessarily Class C operators.”

Note: For further detail, see the NJDEP Enforcement Bulletin “New Jersey UST Operator Training Information,” found here: <http://www.nj.gov/dep/enforcement/docs/ust-operator-training.pdf>

Under this new requirement, if the NJDEP determines that a UST system is out of compliance (such as failing to respond to alarms), the agency can require retraining of the designated A/B Operator as part of the administrative penalty. For a “remote” facility (e.g., a pump station with an emergency generator and a regulated UST), a Class A, B, or C operator need not be present, but the designated operator is still responsible for the operations, maintenance, and emergencies regarding the UST.

For more information regarding training requirements, please review NJDEP’s *New Jersey UST Operator Training Information* bulletin: <http://www.nj.gov/dep/enforcement/docs/ust-operator-training.pdf>.

Inspections and Testing

Additional inspection and testing requirements under the new UST rule include the following:

- Sumps and dispenser containment systems must be inspected every 30 days for the presence of water and/or product
- All spill prevention equipment (e.g., spill buckets, etc.) must be tested every 12 months using vacuum pressure or liquid testing within one year of the adoption of these regulations

April 2018

- All electrical and mechanical components (e.g., Automatic Tank Monitor (ATM) system probes, software, sensors, and line leak detectors) must be tested annually

Tank Construction Changes

Under the previous rules, UST systems that provide fuel for emergency power generation (such as an emergency generator at a pump station) have not been required to comply with release detection monitoring. This exemption disappears under the new regulations, and owners/operators will have three years after the adoption of these changes to comply with release detection monitoring. This can impact EJIF members that have relied on emergency back-up generators at pump and lift stations, with the results most likely being replacing older USTs in order to achieve compliance.

As a result of these regulatory changes, any of our EJIF members managing regulated UST systems should familiarize themselves with the training/certification programs required for those tasked with managing tanks; they will also need to revise the information typically provided to the NJDEP in order to meet new requirements going forward, as well as evaluate their tanks to see if any need to be upgraded to meet the new regulations. These can be expensive and time consuming requirements, so please recognize that the EJIF environmental professionals are available to help guide you through the process.

Please note that this is only a summary of some of the changes in effect under the proposed regulations, specifically those that will impact EJIF members managing USTs. Visit NJDEP's website for a look at the official rule:

<http://www.nj.gov/dep/srp/bust/>

This newsletter is for information purposes only and does not represent legal or technical advice.

If you need a more detailed explanation of this topic or need assistance in interpreting how it may impact your site, the EJIF suggests that you contact the EJIF environmental consultants for further information.

Members of the Bergen, Morris, South Bergen, Suburban Essex, and NJUA JIFs please contact Richard Erickson of First Environment, Inc. at rerickson@firstenvironment.com or 973.334.0003.

Members of the Camden, Monmouth, Ocean, PMM, Suburban, Central, TRICO and BURCLO JIFs, please contact Chris Gulics of PS&S at cgulics@psands.com or 732.430.7012.

Environmental Alert



NJDEP ISSUES REVISED TIER A AND TIER B STORMWATER PERMITS

The New Jersey Environmental Risk Management Fund (EJIF) is dedicated to providing our members with continued regulatory updates to assist understanding the various environmental regulations that apply to your operations. Since 2004, the EJIF has been providing our member's with information relative to the NJDEP's Municipal Stormwater Regulation Program from its initial introduction, the performance of continuing education seminars to assist in completing Stormwater Pollution Prevention Plans and Stormwater Management Plans, and the development of a Stormwater Training Video adopted by NJDEP to satisfy the employee education component of the permit. In 2017, the EJIF continued providing assistance to these rules through the seminar, "Keeping Up With Changing Regulations," which focused on the proposed Tier A and B permit changes, along with some other topics. To continue along this tract, the following information provides a summary of those now adopted changes to the Tier A and Tier B stormwater general permits.

The NJDEP has issued the final municipal stormwater permit renewals for Tier A and B municipalities, which became effective **January 1, 2018**. New permit conditions have been included in the revised permits, which will need to be implemented to keep your municipality in compliance. There are a number of changes within the revised permits. Some are significant and others are subtle. We have done our best to summarize the most significant changes below, however, we urge all EJIF members to review the full permit by visiting http://www.nj.gov/dep/dwq/msrp_home.htm.

What do I need to do first?

Attachment A of the revised permits includes an implementation schedule for new permit conditions. Municipalities are required to revise their Stormwater Pollution Prevention Plans (SPPPs) in accordance with the new permit requirements and to ensure compliance with existing Municipal Stormwater Management Plans (MSWMP). Stormwater Pollution Prevention Plans, Municipal Stormwater Management Plans, and associated ordinances are required to be posted to the municipality's website by **March 31, 2018**.

What else is new for Tier A Municipalities?

Employee Training and Local Public Education

- Stormwater Management Design Review Training – for design engineers, municipal engineers & other individuals.
- Municipal Board and Governing Body Member Training - for members of municipal boards and applicable councils.
- Additional Public Education and Outreach Programs – advertise programs on website or in print.

Outfall Mapping and Illicit Connection Inspections

- Inspect outfalls once every 5 years for dry weather flows and evidence of illicit discharge.
- Provide outfall map to NJDEP by January 1, 2019 (Electronic submission required by December 21, 2020).

Review Total Maximum Daily Loads (TMDLs) for Surface Water Within or Bordering Your Municipality

- **What is a TMDL?** A TMDL is the calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet, and continue to meet, water quality standards for that particular pollutant. Annual review of Total Maximum Daily Load (TMDL) reports using the TMDL Look-Up Tool to prioritize areas with known water quality problems is required.
- Include TMDL information in SPPP.
- Identify and incorporate Optional Measures to address TMDL pollutants.

Stormwater Facility Maintenance and Pollution Prevention Measures

- Ensure proper maintenance of stormwater facilities owned by the municipality and adopt a program to enforce the proper maintenance of privately owned stormwater facilities.
- Maintain maintenance plans and inspection logs for stormwater facilities.
- Completion of the Major Development Stormwater Form.
- Implement best management practices for vehicle washing, yard trimmings, and wood waste management.

What is new for Tier B Municipalities?

Stormwater Facility Maintenance and Pollution Prevention Measures

- Ensure proper maintenance of stormwater facilities owned by the municipality and adopt a program to enforce the proper maintenance of privately owned stormwater facilities.
- Completion of the Major Development Stormwater form.

Employee Training and Local Public Education

- Stormwater Management Design Review Training – for design engineers, municipal engineers & other individuals.
- Municipal Board and Governing Body Member Training - for members of municipal boards and applicable councils.
- Additional Public Education and Outreach Programs – advertise programs on website or in print.

Some Subtle Changes

In addition to the above, there are a number of changes to the permits that appear to be minor, but can have a significant impact on your municipality's compliance. Some of these include, but are not limited to the following:

- Allowable non-stormwater discharges from **dechlorinated residential** swimming pools. The terms “residential” and “dechlorinated” have been added.
- Non-compliance with any permit conditions must now be reported to the NJDEP Spill Hotline. Previously only reported on the Annual Certification Report.
- Aggregate material and construction debris must now be managed properly at the Public Works facilities. Cold patch, clean fill, etc. requires incorporation into the SPPP and requires best management practices (BMPs).
- Changes to ordinances include removal of the refuse container/dumpster ordinance to an optional measure and removal of the fertilizer ordinance as a result of the State's adoption. These previously required ordinances can now be eliminated.

When will I receive my new permit?

Your municipality should have already received a renewal Notice of Authorization (NOA) or a renewal application from the NJDEP. There is no renewal fee; however the annual fee for the permit remains in effect. Copies of the revised permits are posted to the NJDEP's website: http://www.nj.gov/dep/dwq/msrp_home.htm.

Additional information can be found at:

Tier A Permit Requirements: www.nj.gov/dep/dwq/tier_a.htm

Tier B Permit Requirements: www.nj.gov/dep/dwq/tier_b.htm

Stormwater Training Materials: www.njstormwater.org/training.htm

Stormwater Facility Maintenance Guidance: www.nj.gov/dep/stormwater/maintenance_guidance.htm

In summary, these recent changes are the most significant since the inception of the Tier A and Tier B permits and will require municipalities to allocate time and money to ensure compliance. As stated previously, we urge our EJIF Members to make time to go through the permit in detail.

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PERMA | 9 CAMPUS DRIVE, SUITE 216, PARSIPPANY, NJ 07054 | 201.881.7632 | NJEJIF.ORG