

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.

PRESIDENT'S MESSAGE by MCANJ President John M. Mitch



Within the next several weeks we will gather in Atlantic City for our Annual Education Conference (*Motivation Matters!*) at the Tropicana Hotel & Casino. For those of you who have put together our association's conference in the past, you know how much time and energy is involved. For those of you who have not, I encourage you to consider getting involved in the future as new ideas and faces are always welcomed.

While most conferences go off without a hitch, an issue came up last year that I hope does not repeat itself this year. Nonetheless, I want to share it with you so that if it were to occur again, I ask in advance for your understanding and patience. When planning any conference, the committee members target speakers for Elections, Finance, Licensing, Records, Ethics, Professional Development and Information Technology. We try to present refreshers on everyday tasks as well as cover new areas and requirements that are all too often tossed our way. We also attempt to get speakers that are engaging so that no one walks away feeling the session was a waste of their time. When working with conference room space, we try to gauge how many members we anticipate attending each session but, we can't predict it all. If we could, we would be playing the lottery and likely enjoying retirement by now. With all that said, we had an overwhelming response to a particular break-out session last year where the room capacity was limited to about 100. This caused a number of people to not be able to get a seat during the first session leaving them with a choice of other break-out sessions to attend and then coming

back for the second of the repeated sessions. Some attendees were not happy but they understood. Several others chose to complain. Then, when questioned as to why they couldn't attend the latter of the break-out sessions, the response was that they wanted to skip the late afternoon classes for some down time. Please folks, we are all in this together. I say no more !

After last year's conference, the committee members met to evaluate the overall experience. We reviewed your feedback and have implemented some changes for this year. Additionally, since this is my second conference as President, I also wanted to change the Annual Meeting format so that the non-business items do not run as long as they have in the past. Some of the changes made or items left in place include:

1. Eliminate the outgoing and incoming President's guests from attending the Annual Meeting (*they will be invited to the association's dinner on Tuesday evening*).
2. Eliminate the swearing-in ceremony during the Annual Meeting (*that will be held during the association's dinner on Tuesday evening*).
3. Eliminate the President-Elect's comments during the Annual Meeting (*that will be done during the association's dinner on Tuesday evening and limited in duration*).
4. Eliminate some of the presentations at the Annual Meeting that take up considerable time.
5. Eliminate the cost to attend the Annual Meeting (*which covered the breakfast in the past*).
6. The President, as in the past, will deliver the State of the Association Address during the Annual Meeting (*but I promise you this, it will be limited in duration as I have kept all of you posted on matters of importance with each and every Quill publication and many e-blasts throughout my tenure*).
7. The election of officers for the July 1, 2015- June 30, 2016 term will continue to occur during the Annual Meeting.
8. The announcement of the Clerk of the Year award recipient will continue to be announced during the Annual Meeting.
9. MCANJ will continue to offer CEU's for attending the Annual Meeting.

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EDITORIAL STAFF:

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PAST EDITORS:

1954-1959: J. Ford Flagg
1960-1970: John R. Zellweger
1971-1973: Joseph E. Bennett
1974-1982: Harry C. Kates
1983-1993: Janet L. Lynds
1994-1995: Patricia Hullfish and Patricia C. Shuss, Co-Editors
1996-2000: Patricia C. Shuss
2001-2005: Nancy Hatten

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC. EXECUTIVE BOARD 2014-15

President: John M. Mitch, Woodbridge Township E-mail: president@njclerks.org
1st Vice President: Keith Kazmark, Elmwood Park Borough E-mail: 1vicepresident@njclerks.org
2nd Vice President: Denise Szabo, Bernards Township E-mail: 2vicepresident@njclerks.org
Treasurer: Dina Zawadski, Deptford Township E-mail: treasurer@njclerks.org
Secretary: Kevin Galland, Woodland Park Borough E-mail: secretary@njclerks.org
Immediate Past President: Nancy L. Saffos, Cherry Hill Township E-mail: immediatepastpresident@njclerks.org
Executive Director: Joel Popkin E-mail: executivedirector@njclerks.org
Legal Counsel: Richard A. Lustgarten

MCANJ PAST PRESIDENTS * EX OFFICIO MEMBERS

1974: Joseph V. Valenti
1975: Alfred A. Reda
1977: Otto M. Bock
1981: L. Manuel Hirshblond
1985: Elizabeth G. Nolan
1987: Lewis N. Thompson
1988: Elaine Wallace
1993: John J. Galvin
1994: Kathleen A. Thorpe
1995: Christina N. Wilder
1996: Joseph C. Favaro
1997: Elizabeth H. Kiss
1999: Bernadette Dubuss
2000: Nancy Hatten
2001: Sharon L. Brienza
2002: Bernadette Standowski
2003: Allan Susen
2004: Joel Popkin
2005: Jane Williams-Warren
2006: Elaine B. Kennedy
2007: Barbara M. Hawk
2008: Heather Mailander
2009: Joan Moreland
2010: Vincent Buttiglieri
2011: Joanne M. Kwasniewski
2012: Andrew J. Pavlica
2013: Nancy Saffos

IIMC PAST PRESIDENTS

Robert Radford, Hasbrouck Heights Borough
Thomas Redanauer, Barrington Borough
Joseph T. Carney, Englewood City
Christina N. Wilder, Hamilton Township
Joseph V. Valenti, Woodbridge Township
Elizabeth H. Kiss, East Brunswick Township

MCANJ ADVISORY BOARD MEMBERS 2014-15

Atlantic: Carol L. Degrassi, Somers Point City
Bergen: Heather A. Mailander, Ridgewood Village
Burlington: Patricia Hunt, Moorestown Township
Camden: Deanna Bennett, Haddonfield Borough
Cape May: Scott Jett, North Wildwood City
Cumberland: Susan G. Robostello, Millville City
Essex: Linda S. Wanat, Montclair Township
Gloucester: Patricia Frontino, Glassboro Borough
Hudson: Alberto Cabrera, Guttenberg Town
Hunterdon: Cecilia Covino, Clinton Town
Mercer: Sharon Young, West Windsor Township
Middlesex: Barbara Nyitrai, South Brunswick Township
Monmouth: Jane Marban, Spring Lake Borough
Morris: Yancy Wazirmas, Parsippany-Troy Hills Township
Ocean: Sherry Mason, Beach Haven
Passaic: Jane Williams-Warren, Paterson City
Salem: Cynthia Dalessio, Woodstown Borough
Somerset: Sharon Brienza, Branchburg Township
Sussex: Lauren Kirkman, Vernon Township
Union: Doreen Cali, Roselle Park
Warren: Kelley Smith, Harmony Township

NEW JERSEY MUNICIPAL CLERK COUNTY ASSOCIATION PRESIDENTS

Atlantic: Olga Perez, Egg Harbor Township
Bergen: Laura Borchers, Ho-Ho-Kus Borough
Burlington: Kim-Marie White, Eastampton Township
Camden: Deanna Bennett, Haddonfield Borough
Cape May: Christopher Wood, Wildwood City
Cumberland: Roy Spoltore, Upper Deerfield Township
Essex: Joyce Lanier, Newark City
Gloucester: Dina Zawadski, Deptford Township
Hudson: N/A
Hunterdon: Cynthia Ege, Lambertville City
Mercer: Michele Seigfried, Robbinsville Township
Middlesex: Joan Hullings, Highland Park Borough
Monmouth: Jane Marban, Spring Lake Borough
Morris: Sheila Williams, Florham Park Borough
Ocean: Mary Madonna, Surf City Borough
Passaic: Kelley A. Rohde, Ringwood Borough
Salem: Esther Mitchell, Mannington Township
Somerset: Ann Marie McCarthy, Franklin Township
Sussex: Amy Lobban, Stillwater Township
Union: Doreen Cali, Roselle Park
Warren: Kelley Smith, Harmony Township

PRESIDENT'S MESSAGE

by MCANJ President John M. Mitch

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10. A lunch will be provided at the conclusion of the Annual Meeting (no cost to members).
11. MCANJ, IIMC and Rutgers' will continue to recognize the new RMC, CMC and MMC recipients and RMC instructors during the Annual Meeting.
12. MCANJ will offer free registrations to the 2016 Annual Education Conference through a drawing of business cards during the Annual Meeting. MCANJ will have a 50/50 during the annual dinner..
13. What used to be referred to as our evening banquet is now being called a dinner (less formal). We will again have a deejay for easy listening music while eating and then dancing music afterwards. Hopefully Michele Reilly (Mountain Lakes), Laura Borchers (Ho-Ho-Kus) and Mary O'Keefe (Butler) will lead the way again this year by getting attendees to their feet. Dinner is included with your registration; however, there will be a cash bar.
14. The conference begins late afternoon on a Sunday to try and reduce the amount of time we have to spend away from our offices. The attendance numbers will be reviewed afterwards to help make decisions going forward.

While Governor Christie has declined our invitation to attend the conference, we will be honored to have IIMC President Brenda Kay Young and IIMC Region II Director Kimberley A. Rau join us during the conference. They, of course, will complement our own MCANJ members and past Association Presidents, Vincent Buttiglieri (Ocean, NJ – IIMC 1st Vice President) and Andrew (Drew) J. Pavlica (Garfield, NJ - IIMC Region II Director). Atlantic City's Mayor Don Guardian has also indicated he will stop by during the conference to offer his greetings.

For those of you who are coming down on Sunday, I ask that you please join us at the President's reception. This is such a great networking event which gives all of us an opportunity to relax, chat, chow, and be entertained. Let's make this event fun because it can't be all work and no play. Again, while there is no cost to attend, there will be a cash bar.

As you will recall from my previous reporting, Rutgers dismantled what we used to refer to as the MCANJ Education Committee. In the old format, there were 5 Rutgers appointees and 5 MCANJ appointees. For a number of reasons, Rutgers changed to an Educational Advisory Board with no MCANJ appointees. This all started in July 2014, when a new Program Coordinator at Rutgers was named — Laura Flagg.

Laura has been a pleasure to work with on matters of importance to Municipal Clerks. After several conversations with Laura from the time of her appointment until now, I truly believe that we are moving in the right direction.

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PRESIDENT'S MESSAGE

by MCANJ President John M. Mitch

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To that end, Laura called a meeting in February where she, Dan Kaminski (DCA), most RMC instructors and representatives of MCANJ including myself were all at the table to discuss a number of items, including class enrollments, the state exam, course updates, continuing education, instructors, Athenian Dialogue, and more. Most important in my opinion was the discussion of the low passing rates on the most recent RMC exams (October 2014 @ 27% and April 2014 @ 33%) and what changes might be considered for future test takers. I want to thank Laura Flagg for calling this meeting and Dan Kaminski, Joel Popkin, Joanne Kwasniewski, Deanna Bennett, Sharon Young, Jennica Belici, Kim-Marie White, Drew Pavlica, Bob Sloan, Mary Madonna, Elaine Kennedy, Jim Doherty, and Mark Mutter for participating. While there were several invitees who could not attend, Rutgers is planning on another meeting over the summer and MCANJ will once again be happy to participate.

On the legislation front, MCANJ 2nd Vice President Denise Szabo and I participated in a conference call with the NJLM (Lori Buckelew) to discuss proposed changes by the Division of Revenue and Enterprise Services (DORES) [formerly DARM] regarding records management practices by municipalities. Of paramount importance to us was the need for DORES to clarify some of the regulations they are proposing. We thank the NJLM for inviting us to join them in responding to the proposed rule changes which were due at the beginning of March.

I also shared with you previously, my interview with NJTV regarding OPRA. I have placed several calls to the office of Senate Majority Leader Loretta Weinberg to discuss where she is with the long anticipated changes to OPRA, to no avail. I can't even get a return phone call at this time. However, my television interview received attention and support from a number of unlikely sources including the Atlantic City Press; in the form of an Editorial. They wrote that while they would normally push to expand OPRA regulations, the commercial use of OPRA (a/k/a data mining) is causing "unintended, and unfortunate, consequences, along with untold labor for municipal clerks." They continued to state that the current situation is not what legislators intended when they wrote the law to help citizens keep track of public records and suggested that the law be revisited and be adjusted, depending on how it is being used and "abused". I am also encouraged that a trustee for New Jersey Federation for Open Government (NJFOG) has taken an interest in the data mining issue and has spoken to his members who have the ear of a legislator who is working on his own OPRA changes. This subject is very dear to us so this too must continue to be monitored.

Relative to OPRA, I try to follow many ongoing cases including one currently making its way through the courts that involves Tabernacle Township. There, the Clerk redacted personal financial information from a record being sought. The requestor has taken it to a higher authority and we now await the ruling. This is an interesting case to follow.

As for tenure, while there is nothing in the hopper that I am aware of, the term is always floating about. In a recent matter, a town opted to not reappoint its municipal clerk but at the same time, did not dismiss the clerk. Our attorney has opined on several occasions that the applicable statutes do not provide for a holdover status. It provides for a three-year term and that tenure is achieved if a clerk has served for 5 consecutive years; in other words, he / she obtains a second three-year appointment. If no appointment of the incumbent clerk occurs within 60 days after the expiration of the previous term, the clerk would, upon appointment after the 60 day window, be considered a new appointment.

During the month of January, I attended the IIMC Region II Conference in Dover, Delaware where there were a number of New Jersey municipal clerks in attendance. Kudos to the Delaware Municipal Clerks Association who put on an exceptional Conference for all of Region II, and hats off (no pun intended) to our very own Pat Frontino (Glassboro) who took first place in the derby hat competition. Like I said before, it can't be all work and no play.

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MCANJ MEMBERSHIP REPORT as of February 26, 2015

<u>County</u>	<u>Total # Municipalities</u>	<u># of Municipalities Paid</u>	<u>% Paid</u>
Atlantic	23	19	83%
Bergen	70	57	81%
Burlington	40	33	83%
Camden	37	29	78%
Cape May	16	13	81%
Cumberland	14	7	50%
Essex	22	18	82%
Gloucester	24	19	79%
Hudson	12	8	67%
Hunterdon	26	24	92%
Mercer	13	9	69%
Middlesex	25	22	88%
Monmouth	53	44	83%
Morris	39	35	90%
Ocean	33	29	88%
Passaic	16	14	88%
Salem	15	11	73%
Somerset	21	18	86%
Sussex	24	20	83%
Union	21	17	81%
Warren	22	18	82%

MCANJ, INC. MEMBERSHIP

As Of February 26, 2015

Full —Municipal Clerk	517
Full—Acting Municipal Clerk	22
Full —Clerk of Freeholder Board	2
Full—County Clerk	2
Associate —Assistant Municipal Clerk	24
Associate—Deputy Municipal Clerk	200
Associate—Deputy County Clerk	1
Honorary Membership (Retired)	47
Affiliate—All Other Members	<u>34</u>
Total:	849

Respectfully Submitted,

Dina Zawadski,
RMC/CMC
MCANJ Treasurer



PRESIDENT'S MESSAGE

by MCANJ President John M. Mitch

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In the past I have reported at least twice about the Governor's nine-member New Jersey Pension and Health Benefit Study Commission which recently issued a "Roadmap to Resolution". As some of you may have heard or read, the Governor spoke about this and public employees' pensions and health benefits during his 2015 State of the State address. Since that address, several more lawsuits have been filed by various unions regarding the State's obligation to make their pension contributions. The report has raised the eyebrows of the NJLM to which they have scheduled a joint meeting of the League's twenty (20) Affiliate Associations to discuss. Please know that MCANJ will be represented and that we will report back to our members accordingly. One of the League's concerns about implementing the roadmap is the potential for a mass exodus in local government. This in itself will create a significant impact with new issues and concerns for local government. One of our goals is to protect our members' pensions. As employees, we never had the option to skip a payment like the state did. Therefore, we should not be penalized. Another concern is the out of control increases with health benefit contributions. That too must be addressed now, and not later.

In closing, it has been my pleasure to serve as your President for the past 15 months. I promise to continue representing you to the best of my ability, and will work with 1st Vice President Keith Kazmark as he transitions to the Presidency on July 1, 2015. As I pen this report the first week of March, we are just hours away from another significant snow event. Let's hope and pray that by the time you receive this, the snow and its remnants will be long gone.



PEOPLE PAGE

by Sharon Brienza

CONGRATULATIONS

RETIREMENTS

As reported in the January People Page, several Municipal Clerks from Bergen County announced their retirements. I have since received more information on each one for this issue.

Virginia “Ginny” DeMaria, Rochelle Park, retired on September 1, 2014. Ginny worked for Rochelle Park since August 23, 1989. She served on several Committees of the Bergen County Municipal Clerks’ Association and the MCANJ. She was a speaker at conferences regarding records restoration after flooding affected her Municipal Building during Tropical Storm Floyd in 1999. Ginny plans on spending more time with her husband, Frank (Butch), her children and grandchildren.

Frances Garlicki, Bogota Borough, retired December 1, 2014 after more than 25 years. Fran went through the chairs of the Bergen County Municipal Clerks’ Association, serving as President in 1997 and also served as the Chair of the BCMCA “Awards” Committee. Fran plans to spend more time with her family and friends.

Barbara Rae, Edgewater Borough, retired December 31, 2014 after more than 25 years of service to the Borough (24 years as Borough Clerk). Barbara was an active member of the BCMA and MCANJ serving on several Committees of both associations. Barbara plans to spend her retirement enjoying her family and friends.

Diane Thornley, Wood-Ridge Borough, retired on February 1, 2015, after more than 25 years of service. Diane was appointed Borough Clerk in 1996 and over the years served on several Committees of the BCMA and the MCANJ. Diane and her husband, Jay, are looking forward to their favorite past time – traveling, spending more time with their children and grandchildren in Long Beach Island and Annapolis, Maryland.

Rosemarie Freed, City of Margate (Atlantic County) served the last 24 years as Deputy City Clerk and is retiring as the first female City Clerk in Margate. She is looking forward to spending time with her children and grandchildren, golfing and watching her beloved Red Sox.

We have also learned of the retirement of Dwight Mitchell, City of Orange (Essex County).

Congratulations to all of you and best wishes for a long and happy retirement!

TRANSITIONS

Robin Collins formerly Municipal Clerk/Administrator for Peapack & Gladstone Borough, (Somerset County), was recently appointed Municipal Clerk/Administrator for Chester Township (Morris County).

Hector Herrera (formerly Deputy Clerk in Bridgewater Township, Somerset County, and most recently the Deputy County Clerk in Passaic County) has returned to Somerset County as the Municipal Clerk/Administrator for the Borough of Peapack & Gladstone.

During their Reorganizational meeting on January 1, 2015, Eileen Farrell was appointed Borough Clerk for Point Pleasant Beach Borough (Ocean County). Eileen was the former Deputy Borough Clerk and replaces Mary Ann Ellsworth who recently retired.

Gina Affuso replaces Diane Thornley as the Borough Clerk of Wood-Ridge.

Anna Marie O’Connor is expected to be named Acting Borough Clerk succeeding Barbara Rae in Edgewater.

We wish you all the best of luck in your new positions.

PEOPLE PAGE, Continued

by Sharon Brienza

OH BABY!



Hector Herrera, Municipal Clerk/Administrator for the Borough of Peapack & Gladstone, and Carrie Livingston welcomed a baby boy on Christmas Day – Steele Ancram Herrera.

OH BABY!



On August 23, 2014, Lisa Russo, Township Clerk for North Brunswick Township (Middlesex County) and her husband, Frank, welcomed Malia Marie Russo into the family. Malia joins big sister Marissa, who is 8 yrs. old.

EMPLOYEE OF THE MONTH



Congratulations to Kimberly Krauss (pictured above, on the right), Township Clerk for the Township of Middle (Cape May County) who was named "Employee of the Month" for February 2015. The Employee of the Month program was started by the Township Committee in order to honor employees who exemplify the Township's commitment and going the extra mile for residents.

NORTH WILDWOOD CITY HISTORIAN

Scott Jet, City Clerk for the City of North Wildwood (Cape May County), was appointed the City's Historian on February 17, 2015. Scott has been the City Clerk since January, 2013 after serving as Deputy for ten years. He is filling the vacant historian position and when asked if history was an area of interest, he responded, "Oh, much, very much."

HAPPY 90th BIRTHDAY!



Ralph "Chick" Sternadori, retired Administrator/Borough Clerk from Somerville (Somerset County) recently turned 90. Ralph retired in April, 2007 after serving the Borough for 54 years.

REGION II CONFERENCE

During the Region II Conference, attendees attended an Evening at the Races where live harness racing was watched live indoors at Dover Downs. A Kentucky Derby inspired hat contest was held and New Jersey's own Pat Frontino from Glassboro Borough (Gloucester County) won First Place!



MIDDLESEX COUNTY

Highland Park Municipal Clerk Joan Hullings began her 2-year reign (2015-2016) as President of the Middlesex County Municipal Clerk's Association. Her first meeting was held February 19, 2015 in Highland Park and was very well attended.

John Mitch (Woodbridge Township and President of the MCANJ) completed his 25th year with Woodbridge, having served as Councilman, Deputy Clerk / OEM Coordinator, Municipal Clerk / Registrar and Acting Business Administrator.

PEOPLE PAGE, Continued

by Sharon Brienza

SOMERSET COUNTY

On December 18, 2014, the Municipal Clerks Association of Somerset County held their holiday luncheon and short business meeting at Pheasant's Landing in Hillsborough. During the luncheon they also held their 19th Annual Toy Drive along with their 5th Annual Food Drive. Included this year was warm winter clothing for children. Sharon Brienza delivered a jeep full of bags and boxes to the staff at the Somerset County Food Bank who were once again thrilled with the generosity of the group. During the business meeting, three members (Sharon Brienza, Sandy Jones & Denise Szabo) volunteered to serve on a Nominating Committee for 2015-2016 officers. After meeting, the subcommittee recommended the following slate of officers which were approved by the Association on February 3, 2015:

Ann Marie McCarthy (Franklin Township)	President
Michelle DeRocco (Watchung Borough)	Vice President
Pam Borek (Hillsborough Township)	Secretary
Hector Herrera (Peapack & Gladstone)	Treasurer



CONDOLENCES

Judy Odo, former Borough Clerk from the Borough of Ho-Ho-Kus (Bergen County), passed away on October 11, 2014 at age 68. After she left Ho-ho-kus, she went to work for Bergen County Law and Public Safety, until she retired in 2011. A day of remembrance will be held on on Judy's birthday in June 2015.

Judy Poling, retired Municipal Clerk/Administrator from the Borough of Keyport (Monmouth County), passed away on February 8, 2015.

Barbara Wright, retired Municipal Clerk/Administrator from the City of Salem (Salem County) passed away on February 10, 2015.

Lee C. Daniels, retired Municipal Clerk from the Borough of Audubon Park (Camden County) passed away on February 16, 2015. Prior to serving the Borough from 1980 until 1997, Lee was a prizewinning reporter for the Courier-Post.

Deborah Usalowicz, Deputy Clerk from Marlboro Township (Monmouth County), passed away on February 13, 2015.

Condolences are also sent to:

Collene Scimeca, recently retired Municipal Clerk in Manasquan (Monmouth County) on the passing of her husband, Daniel, on January 28, 2015 as a result of ALS.

Bonnie Yearsley, Weymouth Township (Atlantic County) Municipal Clerk on the passing of her son, Andrew Yearsley.

Robert P. Marasco, retired Newark City Clerk, on the passing of his father, Robert A. Marasco.

Our condolences to all.

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PROPOSED CHANGES TO BYLAWS AND CONSTITUTION

At the Municipal Clerks' Association of New Jersey's Annual Business Meeting to be held on April 27, 2015 in the Tropicana Resort and Hotel in Atlantic City, the following proposed changes to the Association By Laws and Constitution Shall be Given Consideration.

EXPLANATION: Matter UNDERLINED thus is new matter. Matter contained in BRACKETS [thus] is to be omitted.

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC. CONSTITUTION AND BYLAWS

CONSTITUTION ARTICLE I

Section 4. Fiscal Year

The fiscal year of the Corporation shall be July 1 – June 30.

Section [4] 5. Dissolution

Upon the dissolution of this Association, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c) (3) of the Internal Revenue Code, or corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a State or local government, for a public purpose.

ARTICLE III - OFFICERS

Section 6. Indemnification of Officers

2. The Association shall indemnify an officer against liability for any settlement, judgment, fines or penalties to the extent that the officer has been successful on the merits of the matter or otherwise in any proceeding [referred to] which in the judgment of the Association, the officer has met the standards set forth in subsection 1.A. and 1.B. above, or in defense of any claim, issue or matter therein.

Indemnification for liability for any settlement, judgment, fines or penalties in any case not described in paragraphs 1.A. or 1.B. Hereof, may be made by the Association only as authorized in a specific case upon a determination that indemnification is [prior] appropriate in the circumstances because the officer met the applicable standard of conduct set forth in subsections 1.A and 1.B above. Said determination shall be made by the Executive Board as constituted under Article IV, Section 1. of this Constitution, except that no officer seeking indemnification shall participate in any manner whatsoever.

ARTICLE IV - COMMITTEES

Section 2. Advisory Board

1. ...

- A. The Annual Meeting shall be held during the Annual Education Conference (March or April), at the call of the President. There shall be no fewer than [at least] three (3) Advisory Board Meetings held during the fiscal year [at the discretion of the President] for which the date and location shall be determined by the President.

ARTICLE VI - ELECTIONS

Section 1. Nominations

3. All candidates shall have tenure of office, shall have experience and training for that office, shall have received the [degree] certification of Registered Municipal Clerk (RMC), and shall be actively employed as a Municipal Clerk.

BYLAWS

ARTICLE I - MEETINGS

Section 1.

The Annual Business Meeting shall be held in conjunction with the Annual Education Conference (March or April) at the call of the President. There shall be no fewer than [at least] three (3) Advisory Board Meetings held during the fiscal year[at the discretion of the President] for which the date and location shall be determined by the President.

ARTICLE V - RULES OF ORDER

Section 1.

Robert's Rules of Order shall govern all proceedings insofar as they are not inconsistent with the Constitution and Bylaws.

[REPEALER] EFFECTIVE DATE

Section 1.

These Bylaws, as amended, shall become effective [March 27, 2014] April 27, 2015.

[Section 2.]

[All sections of the Bylaws of this Corporation that are inconsistent with these Bylaws be and they are hereby repealed.]

MEET YOUR CANDIDATE FOR MCANJ SECRETARY:

DIANE PFLUGFELDER



Hello, I am Diane M Pflugfelder, the Municipal Clerk of Liberty Township, within the scenic mountains of Warren County, NJ. For over 23 years, I have served in New Jersey Deputy and Municipal Clerk positions.

I am a graduate of North Hunterdon Regional High School in Clinton Township, NJ and Marywood College in Scranton, PA. At Marywood College, I earned my Bachelor of Science in Clinical and Administrative Dietetics. My employment experiences include managing kitchens in summer camps, nursing homes, hospitals and school cafeterias as well as nutritional counseling within hospitals, nursing homes and the Federal WIC program.

In 1992, I began a part-time career in municipal government as Deputy Municipal Clerk on my days off from the hospital. When the opportunity came in 1998 to apply for a full-time Municipal Clerk profession, I was eager to interview for a Monday to Friday position. In August 2008, I began my career as Municipal Clerk in Bethlehem Township. Today, it is my heartfelt honor to be the Municipal Clerk for the Township of Liberty located within Warren County.

I love volunteering with the Municipal Clerk's Association of New Jersey under a variety of hats. In 1999, I was approached to serve as a Rutgers representative to the Education Committee. I remain current on that Committee with the exception of 2007 and 2013. Upon the commencement of the mini-conference committee in 2007, I initiated coordination of the central mini-conferences, and in the past few years, became even more involved as a presenter.

My first experience as the Education Coordinator for the MCANJ Education Conferences arose in 2001, when Sharon Brienza was President. Since then, I have enjoyed accomplishing this task since 2009. Other MCANJ committee that I enjoy participating on have included; Laws Affecting Municipal Clerks, Legal Defense Fund, Raffles, Fundraising and Coordinator of the Annual Education Brochure.

Currently, I am a member of the International Institute of Municipal Clerks, Municipal Clerks' Association of New Jersey, National Association of Parliamentarians, State Association of Parliamentarians, Registrar's Association of New Jersey, Mid-State Registrar's Association and the Warren County Clerk's Association.

In my community, I remain a Republican County Committee member. Several years ago I began assisting with two annual clothing drives to benefit the Bethlehem Township Parent Teacher Organization. In recent years, my husband and sons became members of the Bloomsbury Hose Company and I have been recruited to assist with the sale of raffle tickets at their fund raising events.

In 2012, I became an active member of Weight Watchers International. I was successful in 2013, achieving my lifetime membership as well as joining the Weight Watchers staff as a Leader. This task has required dedication and commitment which is something we all experience in the daily operations of a Municipal Clerk's office.

With the encouragement of my husband, family, friends and Township Committee I humbly ask for your support as Secretary of the Municipal Clerk's Association of New Jersey. I look forward to the challenges and changes ahead, but most importantly, I look forward to working with you, the members of MCANJ.

We learn so much from one another and we are a team.
A strong team – the Municipal Clerks of New Jersey!

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Here are the Answers to the "Who's Who In The History Of The MCANJ" feature on page 19 of the October 2014 issue of The Quill:

- A = Merrill Montgomery
- B = Edith Marion
- C = Elaine Wallace
- D = Lynn Stanzlaus
- E = Elizabeth Nolan
- F = Mildred Bird
- G = Florence Rutan
- H = Norma Sisco

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Quill Annual Report for 2014 and First Quarter 2015

Many changes to the Quill have been implemented over the recent past.

In terms of distribution, through the efforts of the Executive Board and the Information Technology/Webpage Committee, a number of Association members have opted to receive an electronic version of the Quill rather than to receive a hard paper copy through the US Mail. This has reduced operating costs for Quill production, a noble accomplishment.

In terms of Format, the changeover to a July- June operating year for MCANJ versus a calendar year operation has led to changes in the content of issues, and to the details of various application forms which are provided through the Quill. Again, the on-going efforts of the Information Technology/Webpage Committee to maintain updated forms on line at our MCANJ Website have proven to be a valuable tool for making sure the Association members are kept well informed.

The contributions of Sharon Brienza as the People Page Editor – engagements, weddings, births, anniversaries, retirements, and other special events which mark our lives - continue to warm the heart of MCANJ better than I could ever hope to accomplish. Our jobs are important, but always, always, we need to keep “family first.” Thank you for helping us to remember that, Sharon.

Joel Popkin provides us with “behind-the-scenes” coordination of so many minor details that it is hard to list them all, but without those efforts the whole magilla would fall apart. Thank you, Joel.

It has been a distinct pleasure to serve as the Quill Editor for our Association since 2006, and now it is time for me to allow another to have a turn at the wheel.

Joseph Kostecki, Municipal Clerk of the Borough of South Toms River, has been assisting me with the January and April Quill preparation, and after the July 2015 issue, Joe will be officially taking over as Editor. I know I am leaving the Quill Committee in excellent hands and look forward to Joe’s accomplishments as Quill Editor in the years to come.

I hope you have enjoyed the efforts of the Quill Editorial and Production team these past 9 and a half years. It has been an extremely enjoyable ride for me, and I hope that the good stuff has outweighed the mistakes made during this time period.

My best wishes to you all for continued health, happiness and success.

Jim Doherty
Quill Editor

MCANJ 2015 CONFERENCE APRIL 26 – 29, 2015
TROPICANA HOTEL AND CONVENTION CENTER 2801 PACIFIC AVENUE, ATLANTIC CITY, NJ

SUNDAY, APRIL 26, 2015

3:00 pm - 5:00 pm: **Registration** - General Exhibition Center
 4:00 pm - 5:15 pm **What's Happening in NJ Elections Today**
 6:00 pm - 8:00 p. **President's Welcome Reception**



MONDAY, APRIL 27, 2015

7:45 am **Registration – General Exhibition Center**
 7:45 am - 8:30 am **Breakfast – Visit with Vendors**
 8:30 am - 8:45 am **Welcome** John M. Mitch, President, MCANJ, Township of Woodbridge
 8:45 am - 10:00 am **Can We or Should We** Armando Riccio, Esq.
 10:00 am – 10:20 am **Break - Visit with Vendors**
 10:20 am – 12:00 pm **Annual Meeting**
 Say What - The Circulator is not Registered? Richard Lustgarten, Esq.
 12:00 pm - 1:00 pm **LUNCH – Visit with Vendors**
 1:00 pm - 2:15 pm **Breakout Sessions**
 a. **What's in the Future for Municipal Clerks in the World of ABC?**
 b. **Record Management for the 21st Century**
 c. **Taxes, Taxes, Taxes – It's All About the Numbers**
 2:15 pm - 2:30 pm **Break - Visit with Vendors**
 2:30 pm - 3:45 pm **Breakout Sessions Repeated**
 3:45 pm - 5:00 pm **Social Adjustment Hour - Hors D'oeuvres & Cash Bar**

TUESDAY, APRIL 28, 2015

7:45 am- 8:30 am **Registration – Breakfast**
 8:00 am **Silent Auction Opens**
 8:30 am - 8:45 am **Announcements**
 8:45 am - 10:00 am **Top Computer Tricks to Make a Clerk's Life Easier**
 10:00 am - 10:20 am **Break –Visit Silent Auction**
 10:20 am - 12:00 pm **15 Rules for the Road**
 12:00 pm - 1:00 pm **LUNCH – Visit Silent Auction**
 1:00 pm - 2:15 pm **Breakout Sessions**
 a. **Media Savvy Presentations**
 b. **Registrar 2015**
 c. **Let's Be Fare – Limousines Are Not Taxicabs**
 2:15 pm- 2:30 pm **Break – Visit Silent Auction**
 2:30 pm - 3:45 pm **Breakout Sessions Repeated**
 3:45 pm - 4:00 pm **Visit Silent Auction**
 4:00 pm **Silent Auction Closes - Please Pick Up Your Items**
 6:00 pm **Dinner; Announcement of Municipal Clerk of the Year**

WEDNESDAY, APRIL 29, 2015

7:45 am **Registration**
 7:45 am - 8:30 am **Breakfast**
 8:30 am - 9:45 am **Tricks for the RMC! A Financial Refresher**
 9:45 am - 10:00 am **Break**
 10:00 am - 11:15 am **OPRA: All Bridges Lead to Bridgegate**

FOR FULL REGISTRATION INFORMATION AND FURTHER DETAILS ON PRESENTATIONS AND CEU CREDIT, VISIT THE MCANJ WEBSITE AT THIS LOCATION:

<http://www.njclerks.org/Cit-e-Access/webpage.cfm?TID=148&TPID=14390>

POTPOURRI

by Richard Lustgarten, MCANJ Legal Counsel



We are all familiar with the requirement of providing “adequate notice” for public meetings that are not included in the “annual notice” of meetings.

What exactly is “adequate notice”? The term is defined in N.J.S.A. 10:4-8d. In pertinent part, the statute states that written advanced notice is required of at least 48 hours before the proposed meeting setting forth the time, date, location, and, to the extent known, the agenda to be considered.

The notice shall also include whether or not formal action may or may not be taken.

The notice must be prominently posted in the public place reserved for such announcements.

Notice must also be mailed, telephoned, telegraphed or hand delivered to at least two newspapers which have been officially designated for such purposes. (Notice may also

be supplied by the Internet but that process does not supersede the other methods and cannot be considered as a substitute for them.)

Some confusion has arisen with respect to the “transmittal” of the notice. The plain language of the statute can be read literally to mean that once the notice is sent, the statute is satisfied.

However, this interpretation does not advance the purposes of OPMA (open government, public’s right to be informed and to participate, etc.) if the notice is sent timely as to the 48 hour requirement, but not in time for publication from a practical point of view. In other words, you need to know the publication schedule of the newspapers that you use to allow them to have time to publish the notice prior to the 48 hour requirement. Please note that you do not guarantee publication. That is up to the newspapers after you send a timely notice.

The requirement of timely notice for publication is now firmly embedded in our case law and must be followed. An example of what would not be good notice under the current requirements is as follows.

A special meeting is called for a Thursday. Notice is sent to the newspaper on the preceding Monday but it only publishes on Friday (after the meeting). The illusory “notification” does not satisfy the statute because, despite timely chronological transmittal, actual notice is an impossibility based on the papers publication schedule.

Finally, please note that for true emergencies where “adequate notice” cannot be transmitted, N.J.S.A. 10:4-9 provides relief so long as the safeguards contained therein are strictly followed.



Recently, a case was decided relating to placing a question on the ballot by way of referendum which was characterized by the Judge as having no legal effect on the litigants.

East Newark’s governing body voted to have a non-binding referendum concerning where its students would go to high school since it did not have one of its own. East Newark had an arrangement with Harrison on a send /receive basis.

The East Newark Board of Education raised the issue with the Harrison Board of Education about terminating the arrangement, but Harrison took the position that East Newark had to follow the statutory procedure which required East Newark to submit a feasibility study to the Commissioner of Education. Please note that jurisdiction over students’ education vested in the Boards and not the governing body.

Nevertheless, the East Newark Mayor and Council adopted a resolution authorizing the Hudson County Clerk to include on the ballot the question of whether or not East Newark should continue to send its students to Harrison or to Kearny instead. No interpretive statement accompanied the resolution. The County Clerk requested such a statement from East Newark and one was prepared by the municipal clerk and attorney, and sent to the County Clerk.

The Harrison Board of Education sued the Hudson County Clerk to enjoin her from including the question for the upcoming 2014 election.

Continued On Page 15

POTPOURRI

by Richard Lustgarten, MCANJ Legal Counsel

Continued From Page 14

The Borough of East Newark intervened and many issues were raised concerning jurisdiction and whether or not the question was one that could be considered by way of referendum.

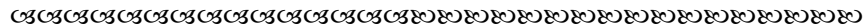
Essentially East Newark argued that Harrison would not be legally affected by a non-binding referendum and Harrison argued that the East Newark Mayor and Council exceeded its authority as the educational issues were the province of East Newark's Board of Education.

There were other issues in the case such as standing to sue, whether the suit was time barred etc.

After the Court resolved the procedural issues raised by the parties, the substantive question was the division of power between a local governing body and a board of education.

The Court found that the governing body did not interfere with the internal workings of the Board and that the referendum question was proper. However, and this is why this case summary is being presented, the issue of the interpretive statement was also decided by the Court. While the Court discussed those types of questions which require interpretive statements, he decided that this one did not. Nevertheless, he also decided that the interpretive statement prepared by the aforementioned Borough officers was improper as it was not adopted by a resolution of the governing body.

When in doubt, have the governing body adopt or ratify and confirm your actions.



In your capacity as custodian of records you probably have come across legal documents called briefs, prepared by the municipal attorney or by opposing counsel. In current practice briefs are anything but, and I tried to ascertain the origin of the term.

The best I could find is that the term probably came from English legal practice. Before a case went to court, the preliminary work was done by a Solicitor and when it was ready for court it was turned over to a Barrister for handling. The Solicitor prepared a summary of the case for the Barrister in a concise manner---consequently the word "brief" evolved.

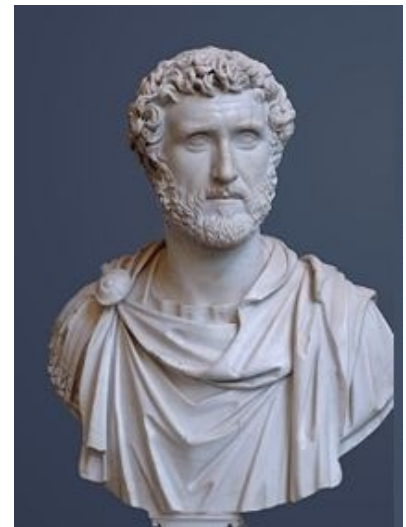
Today of course "briefs" can run upwards of 50 or 60 pages or more with supporting documents.

This runs counter to preparing a writing that will not only inform the reader but also keep his/her interest. The rule of brevity is also good to follow in municipal memos, letters, ordinances and resolutions. A pundit recently said that clear, concise and informative writing has more potential of actually being read than one which drones on. He described the latter as sleeping pills on paper. Aptly put.

Until next time remember:

"The object of life is not to be on the side of the majority, but to escape finding oneself in the ranks of the insane."

- Marcus Aurelius



DEADLINES FOR NEWSLETTER ITEMS

The deadline for People Page submissions for the July 2015 issue is May 29, 2015. Please send People Page news to:
Sharon Brienza, Municipal Clerk, Branchburg Township, 1077 US Highway 202 North, Branchburg, NJ 08876
or via Email at Sharon.Brienza@branchburg.nj.us

The General News Articles deadline is June 5, 2015, and may be sent to:
Jim Doherty, Township of Wantage, 888 Route 23, Wantage, NJ 07461 or via email to: administrator@wantagewp-nj.org.

Questions or comments regarding this or any issue of the *Quill* may be directed to the Editor, Jim Doherty,
by calling 973-875-7192 or using the contact information shown above.

Articles for submission should be prepared in Microsoft Word, using Times New Roman 10-point font.

the *Quill*
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