

**The Municipal Clerks' Association of New Jersey**  
**Advisory Board Meeting Minutes**  
**December 2, 2016**  
Woodbridge Township Municipal Building  
Woodbridge, NJ

1. CALL TO ORDER

The meeting was called to order by President Szabo at 10:00 am

2. FLAG SALUTE & MOMENT OF SILENCE

The members in attendance recited the Pledge of Allegiance and provided a Moment of Silence for all deceased members of the Association

3. ROLL CALL

Executive Board Members Present:           President, Denise Szabo  
  Immediate Past President, Keith Kazmark  
  1st Vice President, Dina Zawadski  
  2nd Vice President, Kevin Galland  
  Treasurer, Diane Pflugfelder  
  Secretary, Eileen Gore  
  Executive Director, Joel Popkin  
  Legal Counsel, Michael Herbert, Esq.

Members Absent:                               None

Advisory Board Members Present:       Heather Mailander, Bergen County  
  Amy Cosnoski, Burlington County  
  Linda Wanat, Essex County  
  Pat Frontino, Gloucester County  
  Karen Dysart, Hunterdon County  
  Sharon Young, Mercer County  
  Deborah Sopronyi, Monmouth County  
  Allan Susen, Passaic County  
  Melinda Taylor, Salem County  
  Pamela Borek, Somerset County  
  Doreen Cali, Union County

Committee Chairs Present:               Andrew Pavlica, Historical Report Committee  
  Harold Weiner, Legal Defense Fund  
  Cynthia Brown, Scholarships  
  Daina Dale, Information Technology & Webpage  
  Joanne Kwasnewski, Education & Prof. Development  
  John Mitch, Education Committee  
  Joseph Koteski, Quill  
  Kim Marie White, Legislative Review

Past Presidents:                             Vincent Buttiglieri (2010)

4. UNFINISHED BUSINESS

None

5. NEW BUSINESS

None

6. REPORT OF OFFICERS

- President's Report

President Szabo reported that our legal counsel, Steve Goodell who is an avid cyclist was in a bicycling accident recently and will be in the hospital for several weeks, followed by intensive physical therapy. She stated that he continues to make progress and expressed the Association's best wishes for his recovery. During his period rehabilitation, his colleague Michael Herbert will be acting his stead for MCANJ.

- Immediate Past President's Report

Mr. Kazmark had no report. He did note that the SOP changes that were discussed at the last meeting were being addressed. 1<sup>st</sup> Vice President's Report

- 1<sup>st</sup> Vice President

1<sup>st</sup> Vice President Zawadski advised about issues that were reported via survey for the NJSLOM Conference which included seating issues, chairs & equipment movement, and lighting which effected scanners.

- 2<sup>nd</sup> Vice President's Report - no report
- Treasurer's Report

Treasurer Pflugfelder advised that as of November 22, 2016, there are 696 members. Additionally, she provided the Account Balances and General Ledger Reports which are hereinafter attached.

<b>CATEGORY</b>	<b>TOTAL</b>
Full - Municipal Clerk	412
Affiliate - All Others	24
Honorary Membership (Retired)	47
Full - Clerk of Freeholder Board	1
Associate - Assistant Municipal Clerk	24
Associate - Deputy Municipal Clerk	171
Full - Acting Municipal Clerk	12
Associate - Deputy County Clerk	4
Full - County Clerk	1
<b>GRAND TOTAL</b>	<b>696</b>

<b>County</b>	<b>Total # of Municipalities</b>	<b>Total # of Municipalities Paid</b>	<b>% Paid</b>
Atlantic	23	19	83%
Bergen	70	48	69%
Burlington	40	34	85%
Camden	37	20	54%
Cape May	16	14	88%
Cumberland	14	7	50%
Essex	22	15	68%
Gloucester	24	21	88%
Hudson	12	6	50%
Hunterdon	26	21	81%
Mercer	13	10	77%
Middlesex	25	22	88%
Monmouth	53	36	68%
Morris	39	32	82%
Ocean	33	25	76%
Passaic	16	11	69%
Salem	15	10	67%
Somerset	21	17	81%
Sussex	24	16	67%
Union	21	16	76%
Warren	22	16	73%

- Secretary's Report

Secretary Gore advised that sympathy cards were sent to Bill Dressell and Joanne Kwasnewski as they both lost their mother recently. A healing card was also sent to Steve Goodell.

#### OTHER REPORTS

- Legal Counsel

Legal Counsel Michael Herbert spoke about the recent legal decision of the Supreme Court (Gilleran v. Bloomfield). The Township declined to release a day's worth of videotape footage from a security camera attached to the second story of the Bloomfield Town Hall, adjacent to the police station. According to the Township, allowing unrestricted access to security camera videotape which would reveal not only what is and is not captured by the security camera, but also when and how well it is captured would undermine the purpose of having a security camera system protecting the building and people within them. The Township asserted that the security exclusions of OPRA permitted

withholding the videotape. The Supreme Court agreed with this assertion and held security exclusions precluded disclosure under OPRA of the videotape requested.

- Executive Director

Director Popkin provided an updates on the Legal Defense Fund, League of Municipalities, 2017 Conference.

## 8. REPORTS OF COMMITTEES

- Constitution & By-Laws – no report
- Education & Professional Development – Ms. Joanne Kwasniewski reported that the Education Committee completed its work on the sessions for the League of Municipalities Conference which were well attended and received by the participants. The Committee has begun working on the 2017 Education Conference Sessions and will continue with that work over the next several months.
- Education Conference Committee – No report.
- Elections – Ms. Linda Wanat advised that from our perspective as intrepid Municipal Clerks most went well with the Presidential election. A majority of municipalities were prepared for increased voter turnout but due to long lines at peak voting periods, there were complaints. The suggestion that all municipalities establish an additional polling place in the event of a calamity was a proactive step but appeared not to be needed (as best we could determine). There was a bit of a controversy over the issuance (or non-issuance) of the “I voted today” stickers. In most areas they were provided by the counties to individual municipalities. Some voters who did not receive them seemed unhappy. Stories were rampant that stickers were being “sold” to voters (could this have occurred in towns that offered free coffee or doughnuts or discounted booze to those who performed their civic duty and voted??). At the next meeting they hope to review the new modifications to the S.V.R.S.
- Fundraising & Raffles Committee – Ms. Cali advised that on-line sales were not going well at the moment. She brought some samples of possible items that could be ordered for the upcoming conference.
- Historical Report Committee – Mr. Andrew Pavlica reported that a copy of the historical report entitled *Municipal Clerks at the Millennium* had been provided to Secretary Gore for the files. He also spoke about the Region II Conference to be held from January 10 through 13, 2017 at the Oglebay Resort in Wheeling, West Virginia.
- Information Technology/Webpage – Ms. Daina Dale reported that the Committee is working on updating the website for conference exhibitors and sponsors. An online poll was posted in early November regarding reorganization dates in January. Also, last week the website was unavailable due to the domain name not being renewed. It was found that renewal emails were being sent to the old administrator email. Thanks to President Szabo, the issue was resolved and the next renewal will not be until another 5 years for which notes have been put in place for future renewals.
- Legislative Review Committee – Ms. Kim-Marie White reported the following:

The Laws Affecting Municipal Clerks Committee has the responsibility of tracking Bills pending in the legislature that pertain to the duties of the Municipal Clerk. The Committee is currently tracking almost 538 pieces of legislation.

Senate and Assembly Bills that are significant to our duties are brought to the membership’s attention by placing them on a monthly report that is posted on the MCANJ website in the months where the legislature is in session.

Bills that are signed by the Governor and passed into law are also placed on the MCANJ website. Currently there 104 bills near the Governor and 44 bills on the Governor’s desk. The subjects the committee tracks are Local Government-Municipalities, Initiative & Referendum, Animals, Health & Misc, Motor Vehicle Regulation, Affordable Housing, Contracts, Gambling, Records/Notices/Meetings, Vital Statistics, Pensions, Employees, Officer, Benefits, Land Use, Public Fees, Bonds, Budget, Finance, Hotels, Landlord Tenant, ABC, Ethics, and Elections.

I cross referenced the New Jersey Legislative website as well using key words “clerk” and municipal clerk” to ensure we are tracking them properly. I am pleased to announce that we are tracking all of them. I have attached of sampling of some of the bills we are currently monitoring. There have been no new bills.

We highly recommend that Clerks check the website periodically for updates. Go to: [www.njclerks.org](http://www.njclerks.org), then click on “Legislative Update,” then on “Legislative Tracking.” The date of the last update appears at the top of the page.

The Committee has done a tremendous job so far and continues to thrive each month to make sure we stay on top of our reporting each month.

- A511 - Exempts Municipal Clerk from penalties for Open Public Records Act violations under certain circumstances. (Last Session Bill Number: A487)
- A2631 - Requires boil water notices be provided to mayor and Municipal Clerk within one hour. (Last Session Bill Number: A2718 S1122 )
- A534 - Modifies Notary public application process by removing requirement for application endorsement by member of Legislature. (Last Session Bill Number: A3942)
  
- Legal Defense Fund – Mr. Harold Wiener reported that at the September 9, 2016 Advisory Board Meeting, the Legal Defense Fund Committee has been and continues to be quiet this year, so much so that at a meeting with myself and MCANJ Executive Director Popkin on November 18, 2016 we discussed the possibility of the LDF Chair preparing a draft email blast to introduce to the general membership of the MCANJ that are members of the LDF the new LDF Committee, while outlining the functions of the Legal Defense Fund and providing the email address of the Chair. That draft email will be prepared shortly, which will then be disseminated to the MCANJ President, Executive Director and membership of the LDF Committee for comments and recommendations prior to it being finalized and considered for approval by the MCANJ President and Executive Director for dissemination. There was a general consensus during the meeting that there may have been a recent need for the resources that the LDF offers by the general membership of the MCANJ that are members of the LDF, but that either through a lack of contact information, or through a lack of communication between the Committee and the general membership, persons needing assistance from the LDF were not coming forward seeking same. Hence, the idea came about regarding sending out a blast email as referenced above.
  
- Manual Review Committee – Ms. Deanna Bennett reportedThe Manual Review Committee has already sent the changes for the Clerk’s Reference Manual and Study Guide to Coded Systems for the 2016 Supplement. This Supplement, which should be available after the New Year, will consist of changes in all of the chapters with the exception of Chapters 1, 2 and 4. Debra Sopronyi, Kim Macellaro and Nennett Perry have all done an excellent job in putting together the changes. Under the direction of President Szabo, a sub-committee has been working on a separate Supplement to Chapter 4 itself. This chapter is currently in the process of being completely re-written with the help of a Professional Consultant, Steve Goodfellow, and will come out as a separate Supplement. We are looking forward to finishing this project and presenting it to Rutgers and the Instructors for their input on how it will affect the Records Class, both in instruction and structure of the class. As always, I would like to thank the members of the Manual Review Committee members and the Executive Board for their help and input on updates to our manual, especially President Denise Szabo, for her drive and dedication in getting Chapter 4 brought into the 21st century.
  
- Membership-Peer Alliance – no report
  
- Past President’s Council – Mr. Andrew Pavlica reported that Council has not had any charges, therefore there was no report.
  
- Public Relations/MCANJ Booth – no report.
  
- Quill – Mr. Joseph Kosteki reminded everyone that all articles for the 1<sup>st</sup> Qtr. Quill of 2017 will be due December 12, 2016. The deadline for People Page submission is December 5<sup>th</sup> and should be sent to Pam Borek. All articles should be submitted in Microsoft Word, using Calibri 10-point font.
  
- Records – Ms. Sharon Young reported on several meetings attended:  
**09/29/16 - Government Records Council Meeting - 9/27 Meeting canceled and reschedule for 9/29/16.**
  - ✓ Since OPRA' s inception in 2002, GRC has received 4,457 Denial of Access Complaints. Fewer than 313 complaints in 14+ year program. 87 Complaints in 2016.
  - ✓ Since 2004, GRC received 25, 614 total inquiries, an average of 1, 1, 933 per year since 2004
  - ✓ 2016: 78 cases were referred to mediation. 41 were settled at mediation
  - ✓ It was noted that most cases presented to the GRC were because the Custodian did not respond within the seven days and did not ask for an extension with a specific date for a response.
  - ✓ Harry B. Scheeler Jr vs Burlington Township 2015-93— Executive Director' s findings: denied access because the requestor was not a citizen of New Jersey

**10/ 17/ 16— Received the Chapter 4 of the Clerks' Manual for review( Access Systems)**

**10/ 24/ 16— Conference call with Denise Szabo, Deanna Bennett, Laura Flagg, Kim White and Steve Goodell to provide feedback regarding the Chapter Four revisions.**

- ✓ Discussed the increase in the number of pages and the amount of information that will be included. Outlined concerns with how the class will be taught and whether an increase in class time will be required.
- ✓ Deanna, Kim and myself will review the chapter for possible reductions/duplications and adding "Tip Boxes" for particular information
- ✓ Will schedule a conference call for December 15 to review amendments

**10/ 25/ 16— Government Record Council Meeting**

- ✓ UPDATED STATS: Since OPRA' s inception in 2002, GRC has received 4,473 Denial of Access Complaints.  
Fewer than 312 complaints in 14+ year program. 87 Complaints in 2016
- ✓ 499 of the 4,473 complaints remain open and active
- ✓ Since 2004, GRC received 25, 764 total inquiries, an average of 1, 1, 932 per year since 2004
- ✓ Discussion ensued over the Custodian not timely responding to OPRA request thus resulting in a deemed denial. Important to emphasize the need to respond within seven days even if it is for the need for an extension of time to complete the request.
- ✓ The Custodian not complying with Interim Orders is also a frequent issue that is brought to the GRC

**11/ 02/ 16- Lord v. City of Trenton Docket MER- L- 1582-16**

- ✓ Judge Jacobsohn ordered Trenton City Clerk to give a requestor a memo that the city considered deliberative because it gave advice regarding social media policy as it relates to the Police Department's Facebook Page. The memo was a list of users that had been removed from access to the Facebook account.
- ✓ Robbinsville is involved a lawsuit with a company that provides the invisible dog fence over the denial of a request for dog licenses. Michele Seigfried, Township Clerk noted that she denied the request because the Township has an obligation to safeguard from public access a citizen' s personal information with which they have been entrusted and could violate a reasonable expectation to privacy. The company is relying on theFairlawn decision which is unpublished and the Judge decided that there was a public interest in the political flyer which was going to be mailed using the address from the dog license list.

**11/ 15/ 15— Government Record Council Meeting: not in attendance. Provided agenda and will forward minutes when they become available**

- ✓ GRC voted unanimously to adopt the entire finding and recommendations in Complaint 2015- 93 Scheeler vs. Burlington Township (attached documents)

**11/ 21/ 16— President Szabo reviewed committee' s recommendations for Chapter Four Committee Members: Kim White, Deanna Bennett, Laura Flagg& Sharon Young)**

- ✓ President Szabo agreed with Committee' s recommendations and added some additional non- substantive changes to the revamp of Chapter 4
- ✓ DORES possible incorporation into another Division of Taxation may change their name/acronym and deputy custodian for the role Government Record Requests was reviewed
- ✓ Period of time for reconstruction of the chapter and for on- line class purposes (6 months). Laura will consult with Shannon Hudack of DLGS
- ✓ Discussed via email several other topics concerning the revamp of Chapter 4 including additional test questions for the class and State exam
- ✓ Committee decided a conference call for 12/ 1 was not necessary

- Resolutions - no report.

9. REPORTS OF COUNTIES (Due to recording malfunction, only those reports that were submitted prior to the meeting are included in the minutes).

A. Atlantic County - no report on file.

B. Bergen County - no report on file.

C. Camden County - Deanna Bennett reported that a seminar entitled "From Angry to Dangerous" was held on June 16<sup>th</sup> which dealt with difficult customers and attendees received 2 CEUs in professional development.

D. Cape May County - The CCMCA held its fall meeting in Sea Isle City on October 5. Cape May County Clerk Rita Fulginiti spoke on various election issues, including the coordinated roles of the Municipal, County Board of Elections, County Clerk and the State Division of Elections. Mrs. Fulginiti also reviewed the procedures for local referenda, as a number of Cape May County municipalities have dealt with that topic this year. Finally, Mrs. Fulginiti addressed election items that have been in the news recently, including the Presidential Election and the widespread allegations of voter fraud and election machine tampering. 25 members of the Association attended. The next meeting will be held on December 7 in Stone Harbor.

- E. Cumberland County – MCANJ Susan Robostello is retiring and has resigned her position with the State Advisory Committee. In addition, the Cumberland County Municipal Clerks' Association met on Monday, October 3, 2016 and 2 credits in Election were received. Local scholarships were awarded by the Association in May for local high schools in Cumberland County. Our Association will meet again on Monday, December 5, 2016.
- F. Essex County – no report on file.
- G. Gloucester County - Patricia Frontino reported The Gloucester County Clerks held a meeting September 30th, at the Gloucester County Board of Elections. Various speakers from the County Clerk's Office, as well as the Board of Elections provided vital information on the upcoming Presidential Election. Attendees received CEU's in Elections.

Our next meeting will be a Holiday Luncheon meeting scheduled for Friday, December 9th at Mannino's Restaurant in Pitman. Elections will be held for our slate of officers, for a 2-year term. At the conclusion of the meeting, attendees will walk a few doors down the street to the Lil Art House to paint a holiday picture.

Mini Conference South - Our Fall Mini Conference was held September 9th, with 60 people in attendance. 2 CEU's were received for Records, Professional Development and Information Technology. Although no CEU's were given for our Stress and Wellness Management session, everyone agreed it was a very beneficial topic, and were glad it was a part of the program. We have already set the dates for our 2017 Mini Conferences, Friday, March 31st, and Friday, September 22nd.

- H. Hudson County – no report on file.
- I. Hunterdon County – no report on file.
- J. Mercer County – Sharon Young reported at their meeting of October 6, the Mercer County Pre-Election Workshop and Round Table Discussion was held for which the members received CEU's in Elections.

The Association administered the Oath of Office for newly elected President Debra Sopronyi. We will be exploring joint training with Burlington County Clerk's Association and the State Archives for records CEU's.

The holiday dinner will be held on December 9, 2016 at Stone Terrace in Hamilton Township.

- K. Middlesex County – Barbara Nyitrari reported that congratulations were in order to Norma Carbin, Deputy Clerk in South Brunswick on the birth of her 3rd child and welcome Madison Grace. The last county meeting was held in North Brunswick on October 20th. Scott Steinman with Legalized Games of Chance presented with CEU's in Licensing. Our annual "After Holidays, Holiday Party" will be held on Friday, January 20, 2017 @6:00 p.m. at Il Castello's Italian Restaurant in Woodbridge.
- L. Monmouth County – Debra Sopronyi reported that CEU's in Licensing was provided
- M. Morris County – no report on file.
- N. Ocean County - Sherry Mason The Ocean County Clerk's Association earned Professional Development CEU's at their October 2016 meeting with an informative presentation by Michael Jedziniak of Surenian and Associates regarding Affordable Housing in New Jersey. The next meeting of the Ocean County Association will be Friday, December 16, 2016 at The Engleside in Beach Haven
- O. Passaic County – no report on file.
- P. Salem County – Cynthia Dalessio reported that the Clerk's and Treasurer's Association held a meeting on Wednesday, November 30, 2016 at the Salem County Complex. The speaker was a representative from NJ Manufacturers Insurance. The next meeting will be held on March 29, 2017 (location and agenda to be determined).
- Q. Somerset County – Pam Borek reported that their Fall Mini-Conference was held on September 14, 2016 and was well attended; Hillsborough Township hosted the event. CEU's were obtained in (1) Professional Development, (2.5) Licensing, (1) Elections, and (1.5) Finance. The holiday luncheon is scheduled for December 1<sup>st</sup>.

Transitions include Maggie Schmitt is the Clerk in Branchburg; Eric Colvin is the Clerk in Raritan Borough; Cathy Reese is the Clerk in Warren. Executive Board elections will be held in December for the coming year.

- R. Sussex County – Lauren Kirkman reported Sussex County had its first snow just before the Thanksgiving Holiday which left as much as 8 inches in our higher elevations and ski resorts. The Sussex County Clerk’s Association will be hosting its annual Holiday Party on Thursday, December 8, 2016 at the Boat House at Swartswood Lake. \$26 fee, RSVP to Lynda Knott 973-383-8059 by December 5, 2016. In sum the yearly CEU activity offered by Sussex County Clerks Association was 12 RMC credits. There were no changes in officers in the Association. The Association will be hosting a seminar on September 15, 2016 and topics will include Legalized Games of Chance, Social Media for Municipalities and OPRA.
- T. Union County – Doreen Cali reported that their holiday party was scheduled for December 9. She also advised that she would be retiring in the near future.
- U. Warren County – Kelley Smith reported that a mini conference was held on September 29th at the Harmony Township Municipal Building. An annual Christmas luncheon/meeting/mini conference will be held December 1st for the Association at which time elections will be held for incoming officers.

There being no further business to come before the Executive Board, President Szabo adjourned the meeting.

Respectfully submitted,  
Eileen Gore, MCANJ Secretary

Minutes Approved \_\_\_\_\_