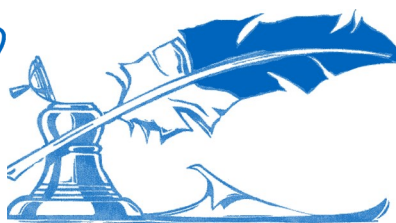
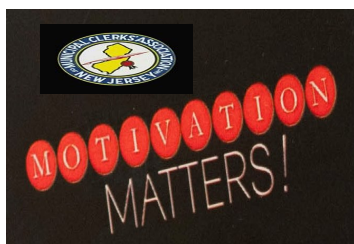


The Quill



2015 MCANJ CONFERENCE



This year's conference included many highlights! See page 15



OUTGOING PRESIDENT'S MESSAGE

by MCANJ President John M. Mitch

For the past 16 months, I have kept our membership aware of what has been going on with our Association. Whether it was through e-mail blasts, the Quill, our website or facebook, because of that.....I promise not to take too much of your time.

With that said, 17 months ago I stood before many of you in Atlantic City and presented the idea of changing our business operation from a calendar year to a fiscal year. I also presented my thought process behind the change and then with your support, it was approved four months later at our 2014 Annual Meeting.

While most of the changes were transparent to the general membership, it caused for your officers and most committees to re-tool what had been known in the past to just be "habit"

(continued on page 3)



INCOMING PRESIDENT'S MESSAGE

by MCANJ President Keith Kazmark

On July 1, 2015, I will proudly assume the role as President of The Municipal Clerks' Association of New Jersey.

I want to begin by thanking our outgoing President, Mr. John Mitch (Woodbridge) for his incredible service to our association. Under John's leadership, we made great changes that benefited us all, and I look forward to working with the Executive Board to continue to implement the new ways MCANJ will conduct business. From moving to a fiscal year structure, changing our annual meeting so more Municipal Clerks may participate, to re-structuring our Education Conference, we are moving forward in a positive manner.

(continued on page 5)

2015 IIMC CONFERENCE



This year's conference included many highlights! See page 18

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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
1996-2000: Patricia C. Shuss 2001-2005: Nancy Hatten 2006-2015: Jim Doherty

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC. EXECUTIVE BOARD 2015-16

President:	Keith Kazmark, Elmwood Park Borough	E-mail: president@njclerks.org
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2nd Vice President:	Dina Zawadski, Deptford Township	E-mail: 2vicepresident@njclerks.org
Treasurer:	Kevin Galland, Woodland Park Borough	E-mail: treasurer@njclerks.org
Secretary:	Diane Pflugfelder, Liberty Township	E-mail: secretary@njclerks.org
Immediate Past President:	John M. Mitch, Woodbridge 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	1996: Joseph C. Favaro	2007: Barbara M. Hawk
1975: Alfred A. Reda	1997: Elizabeth H. Kiss	2008: Heather Mailander
1977: Otto M. Bock	1999: Bernadette Dubuss	2009: Joan Moreland
1981: L. Manuel Hirshblond	2000: Nancy Hatten	2010: Vincent Buttiglieri
1985: Elizabeth G. Nolan	2001: Sharon L. Brienza	2011: Joanne M. Kwasniewski
1987: Lewis N. Thompson	2002: Bernadette Standowski	2012: Andrew J. Pavlica
1988: Elaine Wallace	2003: Allan Susen	2013: Nancy Saffos
1993: John J. Galvin	2004: Joel Popkin	2014-15: John Mitch
1994: Kathleen A. Thorpe	2005: Jane Williams-Warren	
1995: Christina N. Wilder	2006: Elaine B. Kennedy	

IIMC PAST PRESIDENTS

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

MCANJ ADVISORY BOARD MEMBERS 2015-16

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

NEW JERSEY MUNICIPAL CLERK COUNTY ASSOCIATION PRESIDENTS

Atlantic:	Olga Perez, Egg Harbor Township	Middlesex:	Joan Hullings, Highland Park Borough
Bergen:	Laura Borchers, Ho-Ho-Kus Borough	Monmouth:	Jane Marban, Spring Lake Borough
Burlington:	Kim-Marie White, Eastampton Township	Morris:	Sheila Williams, Florham Park Borough
Camden:	Bonnie Taft, Oaklyn Borough	Ocean:	Mary Madonna, Surf City Borough
Cape May:	Sheila Cottrell, Ocean City	Passaic:	Paul V. Margiotta, Wayne Township
Cumberland:	Doreen S. Seddon, City of Millville	Salem:	Esther Mitchell, Mannington Township
Essex:	Kenneth Louis, Newark City	Somerset:	Ann Marie McCarthy, Franklin Township
Gloucester:	Dina Zawadski, Deptford Township	Sussex:	Amy Lobban, Stillwater Township
Hudson:	N/A	Union:	Doreen Cali, Roselle Park
Hunterdon:	Cynthia Ege, Lambertville City	Warren:	Kelley Smith, Harmony Township
Mercer:	Michele Seigfried, Robbinsville Township		



PRESIDENT'S MESSAGE by MCANJ President John M. Mitch (continued)

However, what you did see was a change in when you renew your membership and, for many of you, your renewal for the Legal Defense Fund too. In both cases, your dues carried you an additional 6 months at no extra cost. With that said, your 2015-2016 membership and LDF dues notices will go out shortly for the 2015-2016 term.

While working with the Executive Board over the past months, we improved upon, or expanded further into the world of technology by doing more tasks electronically. Our latest improvement will be how you retrieved your CEU's for recent MCANJ Conference. These changes are less labor intensive, save money in printing costs, and enables us to extract reports that in the not-too-distant past, were always done manually.

When I became your President, I did not expect that our terms would last 18 months, but that is where we are heading with the operational year change. This extension though has allowed us as a board, and as a team, to address issues with continuity.

A goal of mine in January 2014 was to leave you at the end of my term, whenever that would be, with an association better than I received it. I believe that as a team, we will do that come June 30th, and my successor will be in a good position. Besides addressing the normal day-to-day business of our association, we continue to address concerns that are close to all of us; from the Rutgers' education program, OPRA and OPMA, to Financial Disclosure Statements and pension and benefits reform, to name just a few.

With regards to OPRA and OPMA, we remain vigilant. To that end, when it seemed that we could not get another audience with Senator Weinberg's staff, with the help of our attorney, we were able to do just that.

In addition to myself, Keith Kazmark, Denise Szabo, Nancy Saffos and Lori Buckelew, we spoke to the Senator for more than two hours, and while we will not get everything we want, it appears that we will get quite a bit.

As some of you know, as a result of me being interviewed by NJTV twice, we picked up some unlikely (in my opinion) support. The Atlantic City Press stated that while they support transparency to the fullest, they recognize the untold work that OPRA has put on us as custodians of records, which was not the intention of the legislature.

And then there is NJFOG; The New Jersey Federation of Open Government. Keith Kazmark and I met with Mr. John Paff and NJFOG representatives and believe it or not, we support some similar changes to OPRA, and we also share a common belief that the G.R.C just does not work

When we met with the Senator, one of the items we pushed for was to take superior Court out of the mix at first by not allowing complainants to go there without first going to the G.R.C., which will save municipalities money. We suggested creating a 1st level administrative hearing, akin to Municipal Court, with a de novo hearing, and a response within 60-days.

We discussed data mining, repeat requests from the same individuals and much more. (continued on the next page)



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With NJFOG, we agreed to disagree on some items but who would have thought that we would have had a meeting with them???

And then there are the Local Finance Notices. Many of us live through the mess of dealing with Violation Notices. (Continued on

MCANJ MEMBERSHIP REPORT as of April 23, 2015

<u>County</u>	<u>Total # Municipalities</u>	<u># of Municipalities Paid</u>	<u>% Paid</u>
Atlantic	23	19	83%
Bergen	70	59	84%
Burlington	40	33	83%
Camden	37	29	78%
Cape May	16	13	81%
Cumberland	14	7	50%
Essex	22	18	82%
Gloucester	24	20	83%
Hudson	12	8	67%
Hunterdon	26	24	92%
Mercer	13	9	69%
Middlesex	25	22	88%
Monmouth	53	44	83%
Morris	39	36	92%
Ocean	33	29	88%
Passaic	16	12	81%
Salem	15	11	80%
Somerset	21	19	90%
Sussex	24	20	83%
Union	21	19	90%
Warren	22	18	82%

PRESIDENT'S MESSAGE by MCANJ **President John M. Mitch**

(CONTINUED)

A number of us have reached out to members of the Legislature as well as the Lt. Governor, especially to find out why and how it became our job. I also had a conversation with Tim Cunningham, Director of the Division of Local Government Services.

They are going to present a League session in November that they are urging all Clerks to attend, and I have asked for a webinar for those who can not get to Atlantic City for various reasons. Whether it be the webinar or the League, it is important that you stress your concerns to them.

We also continue to speak up at the League affiliate meetings with our objections to more pension and benefit reforms. We are extremely blessed in that we have Bill Dressel and Lori Buckelew representing our interests.

Please know that we are not sitting silent...our voices are being heard and our participation is active!

(Continued on the next page)

MCANJ, INC. MEMBERSHIP

As Of April 23, 2015

Full — Municipal Clerk	536
Full—Acting Municipal Clerk	23
Full — Clerk of Freeholder Board	2
Full—County Clerk	2
Associate — Assistant Municipal Clerk	24
Associate—Deputy Municipal Clerk	207
Associate—Deputy County Clerk	3
Honorary Membership (Retired)	48
Affiliate—All Other Members	47
Total:	<u>849</u>

Respectfully Submitted,
Dina Zawadski,
RMC/CMC
MCANJ Treasurer



PRESIDENT'S MESSAGE

by MCANJ President John M. Mitch (continued)

If you remember in 2013, I said that we may not be able to control the challenges we face, but we can control how we face the challenges. We are doing that, and although we don't have a vote in the Legislature, we can continue to insist that we have a seat at the table when discussing issues important to us so that these topics can be vetted to the best of our ability.



In closing, I want to thank all of you; The Executive Board, our Executive Director, Joel Popkin, our Attorney Richard Lustgarten, all the Advisory Board Members, Committee Members, the County Associations who invited me into their meetings, and the general membership for your support.

I hope that I have been able to improve the strength of our Association.

From my perspective, as you know,

Motivation Matters, and if you're not motivated, you're not likely to get far or worse yet, get the support of others that you will need to succeed.

Let us continue to be the face of our communities, and if you are not already involved in our Association, please do so. Like everything else, it has its ups and downs, but overall...It is a very rewarding experience and there are many great Clerks among us.

I wish Keith, Denise, Dina, Kevin and Diane the very best in their new roles come July.

May God bless each and every one of you and may God bless these United States of America.

John M. Mitch, MCANJ President

INCOMING PRESIDENT'S MESSAGE

By MCANJ PRESIDENT, Keith Kazmark

Our 2015 Education Conference, "Motivation Matters," held from April 26th – 29th at the Tropicana in Atlantic City, was a tremendous success. I wish to thank the Conference Committee, our Co-Chairs Sharon Brienza (Branchburg) and Heather Mailander (Ridgewood), and our Executive Director, Joel Popkin, for their hard work in planning and executing a wonderful educational experience. By condensing our schedule by one day, yet still offering the same amount of CEU's, we were able to get our members back to the office, as we recognize the difficulties of being away for extended periods of time. I have received positive feedback about our speakers and taken in some very fine suggestions for next year. A special thanks to our incoming 1st Vice President Denise Szabo (Bernards) for facilitating our on-line registration, evaluations and CEU retrieval. This made the entire experience more convenient for our members. Our keynote speaker, Deb Sofield, was also a great hit and is just another example of the type of quality speakers we've come across at IIMC conferences - and were able to bring here to New Jersey! We are in the process of planning for next year's conference, and will be announcing the dates as soon as they are set so each of you can mark your calendars!

I also would like to congratulate my friend and neighboring Clerk, Joanne Kwasniewski (Fair Lawn) on her selection as MCANJ "Clerk of the Year." You can read about Joanne in this edition of The Quill, and her longstanding commitment and dedication to our association and our profession as Municipal Clerks.

(continued on next page)



PRESIDENT'S MESSAGE
By Keith Kazmark (continued)

New Jersey will also be host to the IIMC Region 2 conference in early 2016! Allen Susen (Haledon), a former Region 2 Director, will Chair this event, and we will be announcing the dates and venue soon.

In the year ahead, we will also continue to face our share of professional challenges. With the recent pension decision by the New Jersey Supreme Court, there is uncertainty about the future and New Jersey's fiscal health. Legislation is already being discussed to deal with these issues and other matters, which could significantly affect the Municipal Clerk.



One such issue is the OPRA and OPMA bills that were discussed at the Senate Budget and Appropriations Committee meeting held on Monday, June 8th in Trenton. The bills are co-sponsored by Senator Loretta Weinberg and Senator Joe Pennacchio. Senator Weinberg has provided MCANJ with multiple opportunities to express our views and make recommendations to improve both bills. Members of the Executive Board met with the Senator and Assemblyman Gordon Johnson for over 2 hours this spring to discuss these bills, and expressed concerns such as: commercial OPRA requests, new requirements for Council sub-committees, the effectiveness of the Government Records Council (GRC) and our proposal to establish an administrative review process as an alternative to

going to Superior Court or the GRC to resolve OPRA disputes. We continue to advocate with regard to this legislation, which is of course important to all of us.

The Executive Board will indeed continue to stay on top of the changes that affect our offices. New initiatives, such as ABC's POSSE system will continue to change the way we do business and these changes will only continue over time. As such, we will take the initiative to communicate and provide professional development opportunities, where appropriate, so we may all stay "ahead of the curve." As part of that communication, in addition to our e-mail blasts, I encourage you to visit our website njclerks.org and our Facebook page regularly. Thanks to the efforts of our former President, Andrew Pavlica (Garfield), our Facebook page is updated as many as three times a day with important information from around the State that is very informative to our members!

I'd also like to thank Jim Doherty (Wantage) for his many years as the editor of this great publication. On behalf of the Executive Board, we wish Jim the very best. We welcome our new editor, Joseph Kostecki (South Toms River). You may already have noticed the new look to The Quill with Joe's personal touches added as he takes the reins as The Quill editor.

To my colleagues on the Executive Board – Denise, Kevin, Dina, Diane and John, along with Joel, our fine Executive Director, I look forward to working together to move the association forward. To the Advisory Board members, committee members, retired volunteers and Past Presidents, I thank you for continuing to serve MCANJ and providing valuable institutional knowledge that helps us learn from the past as we plan for the future.



In closing, I strongly encourage all our members to become active in MCANJ. It is truly a premier professional organization, which has much to offer and can only offer more should more people chose to get involved!

I look forward to a great year filled with opportunities to grow our association, fully implement the changes we have recently enacted and continue to provide quality educational opportunities to our membership, for who we are here to serve! Thank you.

CONGRATULATIONS

MASTER MUNICIPAL CLERK

Patricia A. Frontino, Municipal Clerk for the Borough of Glassboro has received the prestigious Master Municipal Clerk designation. The MMC is one of the two professional designations granted by IIMC. To qualify for entrance into the Master Municipal Clerk Academy (MMCA), which prepares participants for achieving the MMC status, one must have earned the CMC designation. The designation also requires pertinent experience in a municipality. The program prepares the participants to meet the challenges of the complex role of the Municipal Clerk by providing them with quality education in partnership with 47 institutions of higher learning.



2014-2015 International Institute of Municipal Clerks President Brenda Kay Young of Nashville, IN and Pat Frontino (Glassboro)

The MMCA is an advanced continuing education program that prepares participants to perform more complex municipal duties. The program has an extensive and rigorous educational component, a professional and social contributions component, and a commitment to lifelong learning. The Academy members must demonstrate that they have actively pursued educational and professional activities and have remained informed of current socio-political, cultural, and economic issues that affect local governments and municipalities.

RETIREMENTS

David Hughes, City of Summit (Union County) retired March 13, 2015 after 41 years with the City. He started with the city as an assistant to the City Clerk on April 1, 1974 and was appointed City Clerk on January 1, 1975.

After serving the municipality for 25 years, Colts Neck Township Administrator and Municipal Clerk Robert Bowden will retire in May. During his time in Colts Neck, Bowden served 17 mayors, presided over 55 elections, and attended about 650 Township Committee meetings. Bowden said he never missed a committee meeting. "Even I'm impressed by that," he said with a laugh.

Janelle Holzmer, Wildwood Crest (Cape May County) borough clerk retired on May 1 after 17 years in municipal government. Janelle was the Deputy Clerk to Clerk/Administrator Kevin Yecco, and was named municipal clerk after his retirement two years ago. Janelle hopes her replacement understands Wildwood Crest is a great place to work, and the Clerk's job is great in itself.



Maureen Massey, Mendham Township (Morris County) retired.

Phillip Petrone, Borough of Manville, (Somerset County) retired as of March 31, 2015.

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

PEOPLE PAGE (continued)

TRANSITIONS

Cindy Dye, was appointed City Clerk in Asbury Park (Monmouth County) on May 1. She left her job in as Township Clerk in North Hanover looking for a challenge.

Sonya Gordon was appointed City Clerk of Paterson, (Passaic County) replacing Jane Williams-Warren who retired in 2015.

With the retirement of Egg Harbor Township Deputy Township Clerk, Olga Perez (Atlantic County), Janice Hughes was appointed as her successor effective April 1, 2015.

Patty Zamorski was appointed Borough Clerk for the Borough of Manville (Somerset County) effective April 2, 2015.

With the retirement of David Hughes, Rosemary Licatase was appointed City Clerk of Summit (Union County).

Congratulations and good luck in your new positions!

COUNTY NEWS

Cumberland County Municipal Clerk's Association

The following are new Officers from January 1, 2015 through December 31, 2017:

President: Doreen S. Seddon, City of Millville

Vice President: Karen Seifrit, Deerfield Township

Secretary: Lisa Garrison, Greenwich Township

Treasurer: Jeanne Hitchner, City of Bridgeton

Hunterdon County Clerk's Association

Held a meeting on Wednesday, March 18, 2015 at the Tewksbury Inn with the following individuals sworn in for a two year term:

President: Michele Bobrowski, Alexandria Township

Vice President: Karen Romano, Lebanon Borough

Treasurer: Mary MacConnell, Kingwood Township

Secretary: Ursula Stryker, Franklin Township

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PEOPLE PAGE (continued)

FOR THE FUN OF IT

During Read Across America Week, Dina Zawadski read to children at the Deptford Free Public Library. She has been reading to schools and the Library for over 10 years. It's a day of fun for the children and where they are encouraged to learn the importance of reading.



Tommy Mitch (son of MCANJ President John M. Mitch) and Cruz Mendez were named Mr. & Miss Avenel (on May 9, 2015) in conjunction with the Avenel Community Day parade and community picnic. Both honorees had just completed participating in several events during the Woodbridge Township Middle School Track Meet when they were ushered across town to a parade lineup that was waiting for them. Both honorees were selected from the school district based upon their activities in and outside of the school community. Each received a trophy, gift certificate and a warm welcome from the residents of Avenel (Woodbridge Township).

The IIMC All Conference Event held in Hartford, CT, had a Roaring Twenties theme. Most attendees thought two of New Jersey's own had the best costumes. (Carol Degross and Lucy Samuelson from Somers Point—pictured right)

CONDOLENCES

Peter Yecco, passed away on Saturday, March 21, 2015. He spent 45 years of employment with the City of Wildwood, (Cape May County) retiring in 1991, holding the title of City Clerk for 18 years before he retired. Pete was active in the MCANJ and ran, what many think, the best Fall Conferences in Wildwood. Many of us who have been around for a while remember how much fun they were. In 1989, Peter received the prestigious "Clerk of the Year Award." In a statement released by his son Kevin Yecco he said, "We were blessed to both have been "Municipal Clerks of the Year" and, like myself, he greatly valued his significant years of service to the association, profession and our community."



Doris Polidore, retired, Borough of Garwood (Union County) passed away peacefully on April 20, 2015, after a brief illness. She was surrounded by her loving family. Doris was raised in Garwood and held the position of Municipal Clerk and CFO in the Borough for 22 years.

Michael Chiaccio, retired Municipal Clerk/Tax Collector for Riverside Township (Burlington Township) passed away on Monday, March 9, 2015, two days after his wife Elizabeth passed away. Though he carried several Township responsibilities through the years, daughter Darlene Reppert said, "he always found time for his family. He had a good woman behind him."

Condolences are sent to Pat Destefano, Borough of Spotswood Clerk (Middlesex County) on the loss of her mother.

Condolences are also sent to Jane (Gillespie) Marban who recently lost her younger brother, Billy Gillespie. He was a Life Member of the South Belmar Fire Department and a Life Member of the South Belmar First Aid Squad.

Our thoughts and prayers are with all of you.



SECURITY, PRIVACY AND OPRA

by Richard Lustgarten, MCANJ Legal Counsel

I haven't written about OPRA recently as changes to the law are being discussed but nothing has yet materialized. Nevertheless, a few cases have been decided based on OPRA but significantly impact the concepts of privacy and security,

A brief history is in order. Ben Franklin is quoted as saying "Those who surrender freedom for security will not have, nor do they deserve, either one."



In 1798 the United States passed the Alien and Sedition Acts which purported to strengthen national security by allowing the President to deport or imprison aliens "considered dangerous to the peace and safety of the United States" at any time. The laws also restricted speech which criticized the Federal Government---somewhat amazing since the States had recently adopted the Bill of Rights which included text on freedom of speech and the right to be free from unreasonable searches and seizures.

Fast forward to the First World War timeframe when Congress passed the Espionage Act which authorized a fine of \$10000 or twenty years in prison to anyone effectively publishing or criticizing the form of government of

the United States or its military, its naval forces or the American flag.

During World War Two, we had the Alien Relocation acts which forced American citizens of Japanese ancestry, among others, to be interned in camps surrounded by barbed wire. This was enacted pursuant to Executive Order and found Constitutional by the U.S. Supreme Court.

During the Communist scare of the 1950's, we had the House Un-American Activities Committee (Est. 1938) and Wisconsin Sen. Joe McCarthy claiming Communists had infiltrated multiple levels of the Federal government. His wild claims created a witch hunt mentality and the U.S. Supreme Court weakened First Amendment protections so that speech could be punished even if the danger advocated was remote and slight. (This restrictive standard was ultimately reversed in 1969)

And then we come to 9/11 when Congress passed the Patriot Act which permitted a secret court to issue warrants on less than the judicial standard of "probable cause" which resulted in the NSA and FBI utilizing Sec. 215 of the Act to massively collect phone records of millions of Americans without the slightest reason to suspect that they had been engaged in any wrongdoing. (As of this writing, these actions have been declared illegal, and this part of the Act has expired.)

Bear with me as I will tie this in to OPRA shortly. (OPRA contains a security provision and an exemption for an individual's "expectation of privacy" and security of personal data such as credit card numbers, social security numbers, drivers' license numbers and unlisted telephone numbers.). The question becomes what is a "reasonable expectation of privacy" and how is that in tension with governmental security interests. (Continued on next page)



SECURITY, PRIVACY AND OPRA (Continued)

(Continued) Court decisions are a mixed bag. When I take off my lawyer's hat I think that, as a private citizen, when I put my garbage in the trash, it will be picked up and dumped in some landfill and not gone through by some snooping governmental agencies.

Some Courts say its fair game. In NJ it can be seized but you need a warrant to search it. I also believe that when I walk down a street, I shouldn't be subject to surveillance unless there is reasonable suspicion that I've done something illegal. Nope. Courts have held that there is no reasonable expectation of privacy in a public place.

Referring back to Franklin, how commonplace is it now to see surveillance cameras on street corners, in stores, in parking lots and virtually everywhere you go. (Space does not allow a discussion of governmental versus private surveillance.) We also surrender our personal identifiers when making purchases and during banking transactions. In fact, current conditions prevent ease of transactions if you don't provide this information.. So much for privacy, hello security?

Some would argue that if you haven't done anything wrong, then who cares about the surveillance or giving up certain privacy. It is precisely because you haven't done anything wrong that Old Ben and I agree. Surrendering my privacy, or lack thereof, as it is currently interpreted, is a path toward a significant encroachment on freedom. Paraphrasing the words of T.S. Eliot in *The Hollow Men* (used by him in a different context) we lose our freedoms "Not with a bang but a whimper"

With the above as background we at last come to OPRA.

We start with the basic understanding that it is the Legislature's intent and policy that governmental records shall be readily accessible for inspection, copying or examination by the public and, subject to certain exceptions, any limitation on access shall be construed in favor of the public's right of access.

By definition, a government record includes information stored electronically. The overarching purpose is to achieve transparency in government. Unlike the Right to Know law which requires a balancing of the requestor's interest and the need for non-disclosure, OPRA requires disclosure if the record is governmental and not subject to an exception. The requestor's intent or purpose for the request or use of the record is irrelevant for OPRA purposes.

One of the exemptions under NJSA 47:1A-1.1 for non-disclosure are records that relate to "Security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software." (Continued on next page)

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SECURITY, PRIVACY AND OPRA (Continued)

(Continued) Another exemption is “Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein.”

Finally, by Executive Order 21, records are exempted if their disclosure would substantially interfere with the State’s ability to protect its citizens against acts of sabotage or terrorism, or if disclosed, would increase the risk of acts of sabotage or terrorism.

As a result of 9/11, or just a general increased concern for security, many government buildings have security cameras in and on them which record the movements of people in, around or entering them. Municipal buildings and police departments especially use these cameras.

Several cases are pending or have been decided concerning OPRA requests of the surveillance tapes.

The arguments for non-disclosure can be summed up as follows:

1. The cameras provide security for the buildings.
2. The cameras are strategically placed or covered so the public does not know it is being observed and recorded.
3. Allowing public access to the video surveillance would defeat its purpose.
4. The areas covered by the cameras is used by public employees thus identifying their schedules, would show confidential police informants, the coming and going of police officers, victims of domestic violence and members of the general public who may go to the police station to report a crime.
5. Because of the above, disclosure under OPRA should be denied.

It is also argued that to review a particular video to redact this kind of recorded information would require countless hours of employee time.

While it would appear on the surface that the above arguments are compelling reasons to deny access through OPRA, in May of this year the Appellate Division disagreed and approved an OPRA request.

The facts of the case are important to support the Court’s reasoning. While it held that there is no blanket exemption for non-disclosure, the Court maintained the statutory requirement that the burden to prove something is not subject to disclosure must be made on a “clear showing” by the municipality that an exemption applied. The Court held that the municipality had not met its burden of proof in this regard. The Court indicated that some of the arguments made above were speculative in nature and the municipality did not show

factually that the requested video indeed contained images that might be excluded. The Court indicated that video surveillance disclosure would be fact specific on a case by case basis.

The Court saved for a later day whether the Legislature truly intended municipalities to review hours and hours of video tape to redact what shouldn’t be disclosed. It also indicated that several different employees might have to view the tape to determine if it contained confidential or exempt material. (Continued on next page)

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SECURITY, PRIVACY AND OPRA (Continued)

(Continued). Fortunately the Court stated that it did not agree with Plaintiffs argument that the public had an unfettered right of access to security camera recordings with the exception of precise and very limited redactions.

The Court stated “ We do not hold that security camera recordings must necessarily be disclosed unless government officials view them in their entirety and isolate specific footage that meets the requirements of the two exclusions upon which Bloomfield relies.” It only held that Bloomfield did not carry its burden in arguing for a blanket exclusion and for its generalized presentation.

A few questions arise. Does the disclosure of a surveillance tape fulfill the stated purpose of the Legislature to support transparency in government? What governmental public policy is being fulfilled by mandating disclosure?

In this case the main plaintiff wanted the recordings to see if high level political officials or other politicians were visiting the municipal building on an almost daily basis to purportedly have an influence on the Administrator. So what? They could just as easily call, or meet outside the municipal building or have surrogates visit the administrator.

I’m somewhat torn on this issue. I am a strong proponent of transparency in government but I am also greatly concerned about our loss of privacy. This loss has crept into our daily lives and while we sometimes bemoan it we accept it without much thought or opposition. Although OPRA does not base disclosure on a balancing of interests test, I would side with non-disclosure because I believe the safety of the individuals and the security concerns set forth above outweigh any limited information about the operations of government that might be gleaned from disclosure. I think the Court was incorrect in its conclusion but I understand it was bound to analyze the law as it did based on how the law is written. Future cases will further refine the issue of surveillance at municipal buildings and police stations. The case is *Gilleran v Township of Bloomfield et al*. It was approved for publication on May 13, 2015. You should ask your municipal attorney to obtain a copy for you to read.

Happy Summer (away from cameras and recorders)!



“I never said ‘I want to be alone.’ I only said ‘I want to be let alone.’ There is all the difference.” - Greta Garbo

“No one likes to see a government folder with his name on it”. - Stephen King

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TROPICANA HOTEL & CONFERENCE CENTER ATLANTIC CITY, NJ APRIL 26-29, 2015



Digital Flag Salute with New Jersey MCANJ Executive Director, Joel Popkin, and MCANJ Treasurer, Dina Zawadski.



MCANJ President John M. Mitch presents the Friend of the Clerks award to New Jersey State League of Municipalities Executive Director Bill Dressel.



Outgoing MCANJ President John Mitch smiles as he opens a gift of one of his favorite foods - Chips Ahoy Cookies .



Past MCANJ President Joe Favaro (1996), (right), shares some words of wisdom with International Institute of Municipal Clerks President Brenda Kay Young of Nashville, Indiana; and IIMC Vice President Vinny Buttiglieri of Ocean Township, NJ.



TROPICANA HOTEL & CONFERENCE CENTER ATLANTIC CITY, NJ APRIL 26-29, 2015



**2015/2016
CLERK OF THE YEAR**
Joanne M. Kwasniewski



Outgoing MCANJ President John Mitch accepts a plaque from incoming MCANJ President Keith Kazmark at the MCANJ Officers Installation Dinner.



Bill Dressel addressing attendees of the 2015 MCANJ Conference after receiving the "Friend of the Municipal Clerk" award.



Bergen County Municipal Clerks' Association President Chris Demirir of New Milford, New Jersey, makes a presentation to incoming MCANJ President Keith Kazmark.



TROPICANA HOTEL & CONFERENCE CENTER ATLANTIC CITY, NJ APRIL 26-29, 2015



Anne Marie Friscia (Union Beach), Lisa DaSilva (UCUA), and Jeff Jotz (Rahway).



Debra Sopronyi (Hightstown), Michele Auletta Seigfried (Robbinsville) and Eileen Raney Gore (Hamilton Twp). On the bottom is Laurie Gompf (Hopewell Twp), Susan Bate (Dep Clerk, Ewing Twp), and Gay Huber (Dep Clerk, West Windsor Twp). and other Clerks enjoying each other's company.



Kevin Galland (Woodland Park), Sharon Brienza (Branchburg), Neil Grant (retired Fort Lee), Gregory Bonin (Branchburg Administrator), Vinny Buttiglieri (Ocean Twp), Joe Favaro (retired Englewood Cliffs); sitting are Rich Moreland (husband of Joan Moreland), Joan Moreland (retired Haddon Heights), Denise Szabo (Bernards Twp), Kim Rau (IIMC Region II Director from Laurel, Maryland) and IIMC President Brenda Young (Nashville, Indiana).



CMC recipients, Nikima Muller (Mount Holly), Daina Dale (Harvey Cedars); Chris Demiris (New Milford)

**Congratulations to all new
2013/2014 Registered Municipal
Clerk recipients!**





2015 IIMC CONFERENCE



Current and former IIMC Region II Directors (L-R) Donna Boone-Caldwell of Blacksburg, Virginia; Allan Susen of Haledon, New Jersey; Drew Pavlica of Garfield, New Jersey; Phil Campbell of Prince William County, Virginia; Kim Rau of Laurel, Maryland and Vinny Buttiglieri of Ocean Township, New Jersey.



2015-2016 Municipal Clerks' Association of New Jersey President Keith Kazmark carries in the New Jersey State Flag during the Parade of Flags during the Opening Ceremonies



Elmwood Park, New Jersey Borough Clerk Keith Kazmark; Liberty, New Jersey Township Clerk Diane Pflugfelder and Branchburg, New Jersey Township Clerk Sharon Brienza during the Annual Banquet .



(L-R) Richie Brienza and some New Jersey Municipal Clerks at the Annual Banquet at the 2015 IIMC Conference in Hartford, Connecticut on Wednesday, May 20, 2015: Carol Degraasi and Lucy Samuelson (Somers Point); Sharon Brienza (Branchburg); Daina Dale (Harvey Cedars); Diane Pflugfelder (Liberty Township); Allan Susen (Haledon); Vinny Buttiglieri (Ocean Township); Joanne Kwasniewski (Fair Lawn); Drew Pavlica (Garfield); Ray Jean Buttiglieri (wife of Vinny Buttiglieri); and Keith Kazmark (Elmwood Park).



Two New Jersey Municipal Clerks are on the 2015-2016 International Institute of Municipal Clerks Board of Directors!

In this "informal" picture, taken on May 20, 2015, moments before the official photograph of the 2015 IIMC Board, Garfield's Drew Pavlica, a Director of IIMC Region II, is in the back row, 6th from left, and Ocean Township's Vinny Buttiglieri is in the front row, 3rd from right, and was sworn-in as IIMC President-Elect at the IIMC Conference held in Hartford, Connecticut.

2015 IIMC CONFERENCE



Ocean Township, New Jersey's own Vinny Buttiglieri being sworn-in as 2015-2016 IIMC President-Elect by Mary Lynne Stratta of Bryan, Texas, (IIMC Past-President).

2014-2015 Leaders of the International Institute of Municipal Clerks: (L-R) IIMC Vice-President Vinny Buttiglieri of Ocean Township, New Jersey; IIMC President Brenda Young of Nashville, Indiana; IIMC President-Elect Monica Simmons of Seattle, Washington; and IIMC Immediate Past-President Marc Lemoine of Winnipeg, Manitoba, Canada.



Toms River Opens State-of-the-Art Records Storage Center

TOMS RIVER TOWNSHIP- For nearly 230 years, Toms River Township had stored thousands of containers of records. Having reached storage capacity and in need of a central place to keep records such as birth certificates, marriage licenses and building plans, the Township moved 5,000 boxes of records into a brand new, off-site storage facility in September, 2014.

The need for the facility comes from a booming population. In 1960, just 17,414 people lived in the Township. As of the 2010 United States Census, the Township had a total population of 91,239. With that growth came thousands of records, stored in 18 different locations – 9 rooms in Town Hall and 9 sites off-campus, including places like the Golf Course and Senior Center.

With the new building, all Township records and documents will now be in a single location.

The new Records Center has a footprint of 4,000 square feet and a storage capacity of 13,000 cubic feet of records. It was designed to allow for an optional 1,000 square-foot space for record storage and future growth. The building has three rooms: a vestibule, a loading area and a shredding room. The structure features high-density movable shelving, limited lighting, and monitored humidity and temperature controls to prevent document aging.

The state-of-the-art facility was designed pursuant to state standards, who established rules for noting which files are permanent and which documents have a shorter life span. This project was the brainchild of our Records Manager, Greg Horback.

In the future, as space allows, the Township may enter into shared-services agreements with neighboring towns and agencies that want to rent storage space in the building.



The vastness and strategic design of this new facility allows for the well-organized and rapid retrieval of records. You can't just place papers in a box because everything we do in Town Hall has a certain life span. Marriage applications are to be held for 75 years but the life span of keeping a purchase order is only six years. These files are carefully documented and then shredded when no longer needed.

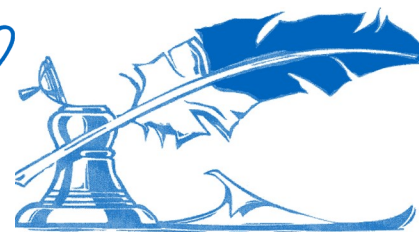
The project cost \$1.1 million and was paid for out of a bond ordinance approved by the Township Council. Since the site was built on Township-owned property, this saved a significant amount of money.

This Records Center highlights two important goals: providing protection and control for the records created by our local government for both officials and citizens and improving efficiency in the use of Township owned properties, which includes rethinking our storage space.

We now have a centralized synergistic approach to records management. All files are tracked on a computer database and organized by department, such as Finance, Law, Engineering, Clerk's Office, Mayor's Office, etc.

Unfortunately, it's not possible to go completely paperless at Town Hall. The law requires a permanent paper copy of the minutes and town ordinances, and those will remain here, as well as some other permanent records such as CAFRA reports, finance records and audits that will remain in the Township vault.

As Township Historian, some of the Township's earliest records date back to 1783. Even in this digital age, we have to care for our community's narrative. To tell future generations about our Township's story means properly archiving these documents of our treasured past.



MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.

MCANJ 2015 / 2016 COMMITTEE ROSTER

** Denotes Chair*

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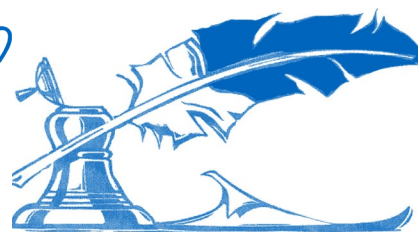
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3. Cynthia Brown	E. Orange	973 266 5115
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3. Joseph Kostecki	South Toms River	201 796 1457
4. Jim Doherty	Wantage	972 875 7192

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	2. Dwayne Harris	Atlantic Highlands (2016)	732 291 1444 x 613
Alternate	3. Barbara Nyitrai	So. Brunswick (2016)	732 329 4000 x 7313

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	2. Kim Johnson	Mullica (2016)	609 562 0064
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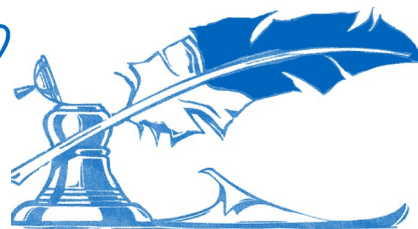
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South

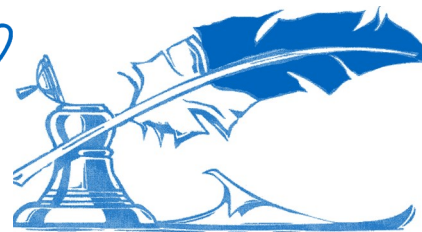
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	18. Elizabeth Kiss	1997 (R)	
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	22. John Gavin	1993 (R)	
	23. Elaine Wallace	1988 (R)	
	24. Lewis Thompson	1987 (R)	
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2. James Doherty* (Co-Chair)	Wantage	973 875 7192	administrator@wantagetwp-nj.org

Updated 6/11/2015

**MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.
EXECUTIVE BOARD
2015-16**



**Denise Szabo
1st Vice President
Bernards Twp**



**John Mitch
Immediate Past President
Woodbridge Twp**



**Keith Kazmark
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**Joel Popkin
Executive Director**



**Diane Pflugfelder
Secretary
Liberty Township**



Diane Pflugfelder, Kevin Galland, Dina Zawadski, Denise Szabo, Keith Kazmark, and John Mitch



**2015-2016 Clerk of the Year
Joanne M. Kwasniewski
Municipal Clerk of the Borough of Fair Lawn**

Our 2015-2016 Clerk of the Year began her career in local government in 1976 in a part time position as the secretary to the Planning Board, Zoning Board and Environmental Commission. This position was a few hours a month, and it allowed her to care for her first child.



After her second child was born, she increased her hours per week and was hired as the secretary to the Mayor and Council and began attending Council meetings and completing minutes.

In 1984, our Clerk of the Year accepted the Deputy Clerk position until she received her Registered Municipal Clerk designation in 1986, and was appointed as the Acting Borough Clerk, upon the previous Clerk's retirement. In keeping with State statute at that time, since she did not live in the Borough in which she was employed, she had the "Acting" before her Borough Clerk title. In 1988, she became the first Administrator in this municipality and she served in the dual position of Borough Clerk/Administrator (the law had changed by that time) of this municipality until 1991.

In 1991, she was appointed as the Municipal Clerk in her second municipality, where she served until accepting the Municipal Clerk's position in her third municipality in 1993, where she continues to serve to this day. She has also served various stints as Borough Manager in her current municipality.

In 1989, our Municipal Clerk of the Year became a Certified Municipal Clerk and in 2005 she earned the prestigious designation of Master Municipal Clerk. She also has a BS degree from Fairleigh Dickenson University, majoring in Public Administration.

Our Municipal Clerk of the Year served on her County Municipal Clerks' Association Executive Board – twice! Her first term began in 1990 and was cut short when she moved to her second municipality outside of the County. She was elected again to the County Municipal Clerks' Association in 2001, and was President in 2004.

Our Municipal Clerk of the Year served as an officer in the Municipal Clerks' Association of New Jersey beginning in 2007 and was President of MCANJ in 2011. She has been on numerous committees for the MCANJ including the Education Committee, for which she currently serves as Chair, the Nominating Committee, and the Conference Committee for many of our conferences, including this one.

She has often served as a panelist at various seminars, in particular for the Open Public Records Act.

She credits her involvement in both her County and State organizations to the leaders who came before her, from whom she has learned. She passionately believes in promoting education through our association and remains committed to strengthening MCANJ and the role of the Municipal Clerk.

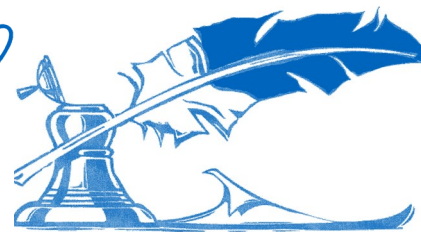
In the municipality in which she serves as the Municipal Clerk, she has been a member of the local Rotary Club, serving as President of the organization (2009-2010), and a club director (2012-2013).

To her surprise, her husband Ralph is with us here with us today! She has two children: John and Karin; a son-in-law, Paul; and grandchildren: Thomas, Elizabeth, Abigail, and another grandchild due in July!

It is my pleasure to announce that the prestigious Municipal Clerks' Association 2015-2016 Municipal Clerk of the Year is **Joanne M. Kwasniewski, Municipal Clerk of the Borough of Fair Lawn.**



The Quill



SPOTLIGHT AWARD ANNOUNCEMENT - April 2015

Presented by 2014-2015 MCANJ President John M. Mitch

CONGRATULATIONS Lisa A. Burd Reindel, Borough Clerk for the Borough of Bloomsbury (Hunterdon County) and **Richard J. Cuttrell**, Municipal Clerk for Neptune Township (Monmouth County) for being named MCANJ's Spotlight Award recipients for the month of April 2015.

Lisa A. Burd Reindel was jointly nominated by Lambertville City Clerk Cynthia Ege and Clinton Town Clerk Cecilia Covino. They cited Lisa's artistic talent which is evident on police vehicles of surrounding municipalities, local grammar school facades and other prominent places as well as her having a "huge heart" with the "Be A Hero" project where she helped raise \$10,000.00 for veterans.

Richard J. Cuttrell was nominated by our Executive Director Joel Popkin. He cited Richard's past involvement as a Fire Chief of Ocean Grove Fire Department, a member of Eagle Hook and Ladder Fire Company, his active membership in Neptune's Red and Black Association (*Booster Club for Neptune's schools*) and Richard's "Tri-State Storm Watch" website where he shares his weather predictions with thousands.

The objective of this award is to honor members who bring positive attention to the role of being a "Clerk" by being involved in their business and or home communities.



Quill Editor Transitions

As The Quill transitions from Jim to myself, I must first thank Jim, all past Editors, and both current and past Executive Board Members. Your contributions to the Clerk's Association are instrumental to productive municipal policy as well as a welcoming community. I am humbled by this honor and look forward to producing a product beneficial to all Clerks, public sector workers, and those interested in municipal policy. I thank you all for this opportunity. Be well.



Thank you, Jim !

Jim Doherty
Quill Editor 2006-2015

At the 2015 Clerks Conference, the MCANJ bestowed upon past Editor, Jim Doherty, the L. Manuel Hirshblond Distinguished Service Award

the *Quill*
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DEADLINES FOR NEWSLETTER ITEMS

The deadline for People Page submissions for the October 2015 issue is September 1, 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 September 8, 2015, and may be sent to:

Joseph Kostecki, Borough of South Toms River, 144 Mill Street, South Toms River, NJ 08757-5105 or via email to:

joseph.kostecki@boroughofsouthtomsriver.com

Questions or comments regarding this or any issue of the *Quill* may be directed to the Editor, Joseph Kostecki,
by calling (732) 349-0403 or using the contact information shown above.