



2015 NJSLOM CONFERENCE



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PRESIDENT'S MESSAGE

by

MCANJ President

Keith Kazmark

MUNICIPAL CLERK SPOTLIGHT AWARD



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2016 IIMC CONFERENCE



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I hope each of you have had a safe and fun filled summer and had a chance to get away from the office to unwind and relax. Now that school is back in session and NFL football fills some time (at least for me) on Sundays, we are getting back to our routines and more traditional meeting schedules. With the start of fall our focus also becomes the upcoming General Election to be held on November 3, 2015. This is an off-off year election as it has come to be known; we have not had an election with just the General Assembly at the top of the ballot since 1999. The turnout is expected to be low – very low. I heard someone say the other day that this election will be like “an old April School Board election, on steroids.” That may very well hold true, but there also are still some recent changes to election law that have passed through the Legislature and have been signed by the Governor, as well as other changes that are still pending.

Effective immediately, per Senate Bill 685, Authorized Messengers are only allowed to submit 3 Vote by Mail Ballot Applications to the County Clerk per election. Bearers are only allowed to return 3 voted ballots to the Board of Elections per election. Messengers were previously allowed to transport 10 ballots per election and there was no restriction on the amount a bearer was able to return to the Board of Elections. (continued on page 3)

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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

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1981: L. Manuel Hirshblond	2000: Nancy Hatten	2010: Vincent Buttiglieri
1985: Elizabeth G. Nolan	2001: Sharon L. Brienza	2011: Joanne M. Kwasniewski
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Atlantic:	Carol L. Degrassi, Somers Point City	Middlesex:	Barbara Nyitrai, South Brunswick Township
Bergen:	Heather Mailander, Ridgewood Village	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
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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		

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Atlantic:	Olga Perez, Egg Harbor Township	Middlesex:	Joan Hullings, Highland Park Borough
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Camden:	Bonnie Taft, Oaklyn Borough	Ocean:	Mary Madonna, Surf City Borough
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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 Keith Kazmark (continued)

As of the writing of this column the Democracy Act, which would make wholesale changes to our election laws in New Jersey sits on Governor Christie's desk awaiting its fate. There is speculation that the bill will be vetoed, but that will be the Governor's call. As approved by both houses of the Legislature, the bill allows for: same-day voter registration, online and automatic registration, expanded Vote-by-Mail, pre-registration of young voters, and expanded access for military and overseas voters. In addition, the bill would require that pre-election materials be printed in more than one language, the elimination of special elections to fill vacancies (such as the 2013 special elections for US Senate) and would strengthen laws against voter fraud and harassment at the polls, along with ensuring access for people with disabilities.

The area of most concern is the expansion of early voting. I use the term expansion because we already have "early voting" in New Jersey – it's just called, in its present form "Vote by Mail." The cost of setting up polling stations, prior to the election, in various sites and staffing them will be costly. We have taken a hard look at this part of the bill and been in contact with members of the New Jersey Association of Election Officials and share their concerns with the early voting provision.

The League of Women Voters has also weighed in on the bill, pointing out that the Garden State ranks 39th in the nation in both percentage of eligible voters registered and percentage of registered voters who actually vote. The most recent primary election saw the lowest turn-out in nine decades. Only 5% of eligible voters exercised their right to vote. While we as Municipal Clerk's work hard to encourage voting, provide access and make the experience of casting a ballot as convenient as possible, making access to voting easier must also be weighed with the cost to taxpayers and the simple practicality and workability of making a new system effective.

On September 18th, I had the pleasure of joining mini-conferences hosted by both the Union County Clerks and the Morris County Clerks. On October 8th, I will be attending the Essex County Clerks mini-conference as well. It is my goal (albeit, maybe a lofty one) to attend a meeting or function in each of the 21 counties. Please contact me at kkazmark@elmwoodparknj.us if you have an event coming up in which I may bring greetings from our State association!

(continued on next page)

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PRESIDENT'S MESSAGE by MCANJ President Keith Kazmark (continued)

One area the Executive Board is focused on this year is scholarship opportunities for our members. In this year's MCANJ budget, \$7,000.00 has been appropriated for scholarships. The primary mission of MCANJ is to provide education for our membership and certainly the scholarships listed below are a benefit to our members who receive them. We hope more members will apply and take advantage of these educational opportunities. The scholarship application is available on our website: www.njclerks.org.

- Eight (8) Course Scholarships, not to exceed \$500, toward RMC certification
- One (1) Course Scholarship, not to exceed \$500, toward CMC certification (Peter H. Maclearie)
- One (1) Course Scholarship, not to exceed \$500, toward MMC certification
- Ten (10) MCANJ Education Conference Registration Scholarships, for full payment
- Five (5) Alternate MCANJ Education Conference Registration Scholarships, for full payment

Speaking of education, we have a series of sessions and conferences coming up for our members beginning with the New Jersey League of Municipalities Annual Conference in Atlantic City from November 16 – 19, 2016. Our 1st Vice President Denise Szabo (Bernards) has been working with the League to organize these sessions which will include: the annual Joint Legislative Session; Elections; OPRA; Managing, Licensing and Liabilities at Special Events; and Budgeting, Financial Administration and Oversight. The final schedule for our sessions will be listed in the League program.

Former MCANJ President and IIMC 2013 Co-Chair Allan Susen (Haledon) has stepped up to chair our IIMC Region II Conference to be held at Resorts Hotel and Casino in Atlantic City from January 12 – 14, 2016. Allan and his committee have been hard at work planning for sessions which will be interesting and useful to Clerks from all 6 states, plus the District of Columbia which comprise Region II. We are also working to incorporate both CMC and MMC courses through Rutgers's at the Region II conference as well. Registration information will be distributed in November.

Our 2016 MCANJ Annual Education Conference has been booked at the Tropicana Hotel and Casino in Atlantic City from April 24 – 27, 2016! Our 2015 conference was a great success and the committee and membership, through our online evaluations, overwhelmingly chose to keep it at the Tropicana. Sharon Brienza (Branchburg) and Heather Mailander (Ridgewood) will again serve as co-chairs. We've already held multiple conference calls to plan for the conference and will hold our first in person meeting with the committee on October 23rd. Once again, thank you to all the attendees as your online evaluations have been very helpful in planning for next year! Also, note that the annual meeting will be held during the conference on Monday morning, April 25, 2016.

The International Institute of Municipal Clerks (IIMC) 70th Annual Conference will be held from May 22 – May 25, 2016 in Omaha, Nebraska. Our own Vinny Buttiglieri (Ocean) will be installed as the new President of IIMC at the conference and the Executive Board and I are encouraging New Jersey clerks to attend, not only to support our good friend Vinny, but also to experience an amazing educational opportunity!

Back on the legislative front, we have not heard much on the proposed changes to OPRA and OPMA. Again, the bills were last discussed at the Senate Budget and Appropriations Committee meeting held on Monday, June 8th in Trenton and did not move out of committee. Senator Loretta Weinberg did send a letter to local elected officials over the summer outlining the bills and some of our members have contacted me for updates. At this time, we continue to wait to see whether these bills will be again discussed at committee. (continued on next page).



PRESIDENT'S MESSAGE by MCANJ President Keith Kazmark (continued)

Also, Governor Christie signed S-2454, which has become known as the DLGS "Streamlining" Bill. The bill took effect immediately, and updates outdated policies and procedures as well as provides municipalities with much needed mandates and relief. Trust me when I say the reforms are broad. They extended from repealing the dog census, to eliminating the requirement to make the municipal budget available at the public library for inspection, to changing some Local Finance Board requirements. While there is simply too much in the law to list out here, be on the lookout for Local Finance Notices addressing the various components of the bill. Information can also be found on the NJLM website as well.

On a lighter note, the Executive Board voted at our last meeting to begin the sale of MCANJ merchandise online. Thanks to Doreen Cali (Roselle Park), our Fundraising Chair, the items which have been on sale out our MCANJ Conference will now be available at www.njclerks.org!

Trust that the MCANJ Team is going strong this fall we look forward to working and serving our membership! Should you have any questions, concerns or ideas to share, please do not hesitate to contact myself or any other member of the Executive Board! Happy Fall!

MUNICIPAL CLERK SPOTLIGHT AWARD:

Michele Seigfried



Over the past several years, Michele Seigfried (Robbinsville) has published three "humorous, cozy" mystery novels, along with six children's picture books. She is currently president of the Municipal Clerk's Association of Mercer County, and is also a member of Society of Children's Book Writers and Illustrators, Sisters in Crime, and the New Jersey Author's Network.

She has been a municipal clerk for 17 years.

Quoted in a recent newspaper article she states: "If my readers can escape from reality for a couple of hours, get a few laughs, and end the book with a smile on their face, that's all I need to be happy. But, I would love it even more if someone walked away learning something. For example, if one child learned how to deal with a bully from my children's picture book, "Nobody Bullies Bub," or if a child was learning how to read for the first time from one of my books, I'd be thrilled."

She is an example of a municipal clerk who brings positive attention to our profession.

CONGRATULATIONS !

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	12	52%
Bergen	70	38	54%
Burlington	40	15	38%
Camden	37	13	35%
Cape May	16	6	38%
Cumberland	14	1	7%
Essex	22	11	50%
Gloucester	24	13	54%
Hudson	12	3	25%
Hunterdon	26	21	81%
Mercer	13	7	54%
Middlesex	25	17	68%
Monmouth	53	25	47%
Morris	39	23	59%
Ocean	33	17	52%
Passaic	16	7	44%
Salem	15	7	47%
Somerset	21	10	48%
Sussex	24	13	54%
Union	21	13	62%
Warren	22	12	55%

MEMBERSHIP MESSAGE

Any person holding an active membership with MCANJ, whose address or jurisdiction changes during the membership year, may carry the membership with him/her to the end of the membership year upon written notice to the MCANJ Treasurer. The Treasurer will update the information in the membership database to reflect the change in address, municipality or county; however, the membership type will remain the same until the end of that membership year.

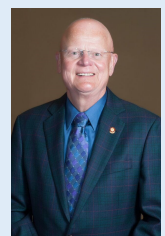


MCANJ, INC. MEMBERSHIP

As Of April 23, 2015

Full —Municipal Clerk	374
Full—Acting Municipal Clerk	2
Full —Clerk of Freeholder Board	1
Full—County Clerk	1
Associate —Assistant Municipal Clerk	17
Associate—Deputy Municipal Clerk	156
Associate—Deputy County Clerk	2
Honorary Membership (Retired)	56
Affiliate—All Other Members	<u>16</u>
Total:	625

Respectfully Submitted,
Kevin Galland
MCANJ Treasurer





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(South Dakota)

Name _____ \$ _____

Phone _____ Email _____

City _____ State/Province/Country _____

Return flier and check payable to MCEF to: MCEF Treasurer, 410 Washington Street, Iowa City, IA 52240

Winner drawn at IIMC Annual Conference in Omaha, NE, on May 25, 2016. Winner need not be present to win.

For ticket numbers or stubs email rbollhauer@amlegal.com



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**COME ONE
COME ALL
TO OMAHA!!!**



The 2016 International Institute of Municipal Clerks Annual Conference will be held in the heart of the Midwest – OMAHA, NEBRASKA from May 22-25, 2016!

While every IIMC conference is a great educational and networking experience, Omaha promises to be that and a whole lot more. We'll be celebrating the 70th anniversary of this great organization with many "70's"-themed items and events to enjoy. As with every IIMC conference, there will be great educational opportunities to earn valuable CMC, MMC and yes, RMC credits.

If that doesn't excite you and want to make you join me in OMAHA, there is another awesome event that will occur which I'm super excited about. During the Annual Business Meeting in Omaha, I will have the honor of taking the Oath of Office as the 58th President of the International Institute of Municipal Clerks AND the 7th such person from New Jersey!

I cannot begin to tell you how excited and honored I will be to assume this leadership position. The only thing that could make it better is to have all of my New Jersey Clerk family with me on that special day. I hope that you will make every effort to attend. SEE YOU IN OMAHA!!!

Sincerely,
Vinny Buttiglieri
IIMC President Elect



***REMINDER - NJ LEAGUE OF MUNICIPALITIES CONVENTION
(November 17-19, 2015)***

MCANJ no longer holds its Annual Business Meeting during the NJLM Convention and will not be reserving rooms for clerks attending the convention. Individuals wishing to make room reservations should use the Room Reservation Form available from the NJ League of Municipalities. Numerous opportunities exist at the NJLM Convention for Municipal Clerks and Deputies to pick up CEUs required for recertification. Check the NJ League of Municipalities Website:

[Annual Conference CEU list](#) (Updated frequently)

<http://www.njslom.org/100thconf/2015-Conference-Session-CEUs-v1.pdf>

[CEU and Attendance Verification Procedures](#)

<http://www.njslom.org/100thconf/ceu-verification-procedures.html>

[League Policy and Procedures on Conference Resolutions](#)

<http://www.njslom.org/100thconf/conf-resolutions-procedures.html>

[Education Sessions Schedule](#)

<http://www.njslom.org/100thconf/worksessions.html>

[Interactive Floor Plan and List of Confirmed Exhibitors](#)

<https://www.map-dynamics.com/NJLM2015>

November –

16 – Exhibitor Move In

17 – Conference & Exhibits Opens

**18 - Conference & Exhibits Open;
Mayors Luncheon**

**19 – Conference & Exhibits Open;
Women in Government Breakfast;
League Luncheon;**



CONGRATULATIONS !

RETIREMENTS !

Frelinghuysen Township Clerk (Warren County) Brenda Kleber has retired.

Margaret Pemberton retired after almost 36 years as the Middlesex County Clerk of the Board. She was a member of the Middlesex County Municipal's Clerks Association and over the years taught RMC courses as well. Margaret is looking forward to spending time with Bob, traveling, quilting and golf. We will certainly miss her. We wish her the all the best on her retirement!

Congratulations, Brenda and Margaret, and best wishes for a long and happy retirement!



Pictured: Margaret Pemberton (center) with Middlesex County Surrogate Kevin Hoagland and Deputy Surrogate Eileen Weber

TRANSITIONS !

The Palisades Park Borough Council (Bergen County) has appointed Gina S. Kim as the new Borough Clerk. Gina has served the Borough since she was in high school and more recently served as Deputy Borough Clerk and the Mayor's Confidential Aid. Gina fills the vacancy left by Martin Gobbo, who recently passed away.

Anne Dodd was appointed Allendale Borough Clerk (Bergen County) on July 27, 2015.

Lisa Hand was appointed Township Clerk on June 22, 2015 for the Township of Eagleswood (Ocean County).

Regina Angelo was appointed Deputy City Clerk for the City of Hackensack (Bergen County) effective July 7, 2015.

Antoinette "Toni" Jones was appointed Point Pleasant Borough Clerk (Ocean County) effective September 1, 2015.

Patricia A. Feketics was appointed Borough of Wildwood Crest Clerk (Cape May County) effective August 21, 2015

OTHER HONORS !

In the recent "Employees Matter" newsletter from the Township of Maplewood (Essex County), Township Clerk Liz Fritzen was the first "Employee Spotlight." This was not for her work as the Township Clerk, but has an EMT for the Springfield First Aid Squad for **42 years**. Here is what Liz had to say about her service:

"From the time I was 5 years old pagers and squad radios were going off in my house. I watched first my Mother running out the door in a First Aid Uniform and then my Dad five years later doing the same. I spent a lot of time hanging out at 'the Squad House' as a kid, being around first aiders and ambulances. While all of the other "squad kids" did not join, I did!

I joined the Springfield First Aid Squad as soon as I was eligible while in high school and have been an active riding member ever since. I am now in my 42nd year of continuous volunteer services. I am the Crew Chief of the Thursday night duty crew volunteering a minimum of 12 hours each and every week. I have never been "just a member". It's not who I am. I was Captain for 22 years, took a year off to be the "just a member" as a sabbatical, and I have been the President of the squad for the years since then.

PEOPLE PAGE (continued)

When people ask me.....why do you do it? Why do you get out of bed at 3:00 in the morning when the rest of us are all sleeping? Why are you running around in snow storms, floods when you could be home safe? My answer is simply that I have a skill, a skill that not everyone has, and that is that I can save a life.

Being a member of the Springfield First Aid Squad it has become a way of life for me. I have been an active riding member through high school, college, my career with the Township of Maplewood and raising babies who are now young adults.

I have delivered two babies and saved countless lives. That is reason enough to keep doing this public service.”

Suzanne Stocker, Deputy Township Clerk of Middle Township (Cape May County) was honored as the Employee of the Month for July 2015. Township Administrator Connie commended Suzanne on her work coordinating their Drumfish Tournament noting that her enthusiasm contributed to making the tournament as successful as it was.

Congratulations, ladies, for these well deserved honors.

Joseph (South Toms River Admin/Clerk/Quill Editor) and Siobhan Kostecki welcomed their second child into the world on 9.8.15 at 1:58am. A happy and healthy Rylan Joseph Kostecki.



FOR THE FUN OF IT !

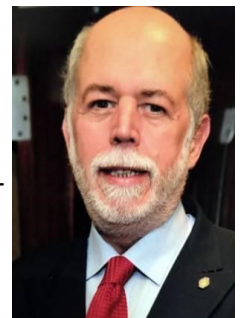
There is a new Texas Roadhouse under construction on Route 22 in North Plainfield that may have come about after North Plainfield Borough Clerk Richard Phoenix and his wife had dinner at one in Bethlehem, PA. Rich and his wife sought out the manager to tell him how much they enjoyed their dinner. Rich explained to him about redevelopment plans on Route 22 in North Plainfield and how there would be space for a restaurant with plenty of parking and good lighting along with highway access. Rich gave him one of his business cards and told him there may also be a liquor license that could be purchased. Within a year's time, Rich was getting calls from their home office in Kentucky. They negotiated a deal with the owner of a small restaurant for the liquor license and the Texas Roadhouse restaurant should be open soon. Rich says, “Economic development??? There's another hat for Clerks to wear!” He also hopes to have a Somerset County Clerks meeting there in the very near future.

GET WELL WISHES !

Best wishes to Terry Tighe, retired City Clerk from Sea Isle City, (Cape May County), who is going through some health issues. She served on several Fall Conference Committees and more recently as a retired conference worker. Terry – the entire MCANJ family hopes you have a very speedy recovery.

CONDOLENCES:

To the family and the Palisades Park Borough (Bergen County) family of Martin Gobbo, who passed away suddenly at the end of June. Martin had been the Borough Clerk since 2003 and had also been the part-time Borough Clerk in North Arlington, a part-time Clerk in Ridgefield and Borough Clerk in Cliffside Park. Mayor James Rotundo, offered grief counselors to employees if needed. “Everybody in the borough is saddened,” he said. “I don’t think there is anybody who didn’t get affected by this.”



CONDOLENCES ARE ALSO SENT TO:

Pat Frontino (Borough of Glassboro, Gloucester County) on the passing of her father.
Kelly Santosoussa (Haddon Heights Borough Clerk, Camden County) on the loss of her husband.
Michele Rivers (Barnegat Township Clerk, Ocean County) on the loss of her mother.
Vic Gaginski (Wallington Borough Clerk/Administrator, Bergen County) on the loss of his father.
Antoinette Battaglia (West Milford Township Clerk, Passaic County), on the passing of her brother.
Condolences are sent to Gay Huber (Deputy Clerk, West Windsor) on the loss of her father, Thomas L. Brown, former Councilman in the City of East Orange. The Councilman passed on July 2, 2015

Our thoughts and prayers are with all of you.



CONSCIENCE, PRIVACY AND A LITTLE BIT OF OPMA

by Richard Lustgarten, MCANJ Legal Counsel

It was inevitable after the United States Supreme Court held that discrimination against the marriage of gay couples was unconstitutional that other issues relating to the process would crop up. By way of background, elected County Clerks in the Commonwealth of Kentucky issue marriage licenses rather than Municipal Clerks. There are 120 counties in the state with a total population of 4.4 million. (Compare New Jersey with 21 counties and a population of almost 9 million.) The counties range in size from about 2200 citizens to more than 750,000. The County in question is Rowan with a population of about 23,000.

As of this writing, the County Clerk in Rowan County has refused to issue marriage licenses to gay couples and, probably, fearing a “denial of Equal Protection” charge, has refused to issue licenses to straight couples as well.

The refusal was based on her strong professed religious beliefs that gay marriage was sinful and her conscience prevented her from acting on the applications. She has been rebuffed at the trial court level, and effectively in the Court of Appeals and the U.S. Supreme Court and has been ordered to issue the licenses. Consequently, there is a battle between the right of practicing one’s religion and a constitutional right to marry regardless of the sex of the participants.



Does a matter of conscience based on religious freedom (a constitutionally protected right in some circumstances – think conscientious objectors – and the limited right to use certain hallucinogenics in religious services to name a couple) trump the now constitutional right to marry for same sex couples?

Suppose instead of the issue being gay marriage, the clerk professed a strong opposition, based on her religious beliefs, to other religions such as Judaism, different Protestant denominations, Bahaism, Islam, or non-religious atheists. Would she engender any sympathy or support as she does when the issue is same sex marriage? I think not.

So what is a clerk suppose to do? In my view the answer is self-evident. The clerk, who is an elected or appointed public official must subordinate her beliefs to the constitutionally protected rights of others. The free exercise of her religious beliefs is curtailed when she acts in a public capacity as a marriage license issuer rather than as a private person.

One can imagine the disruption of public affairs, if private beliefs could supersede public responsibilities. I also wonder why some sort of compromise could not be reached. For example, could another clerk from an adjoining county be brought in to issue the licenses or someone in the clerk’s office. If Kentucky law does not permit that, its Legislature should consider it. This would be a reasonable accommodation of the interests of both sides and would be less disruptive than the media sideshow that has occurred. Unfortunately, conflict rather than compromise seems to be the order of the day on these hot-button issues. (continued on page next page)

CONSCIENCE, PRIVACY
AND A LITTLE BIT OF OPMA
(continued)

The lesson to be learned is that when you hold a public office, the service you must render to the public, sworn to in your oath of office, may directly conflict with strongly held personal beliefs. You are not at liberty to refuse to perform your official duties without severe consequences such as being held in contempt of a court order, recalled, suspended or being fired. Fortunately, these types of conflicts occur only in a rare instance but the rules pertaining to them are quite clear.

I had written previously about privacy concerns with respect to OPRA and in general. The issue is not going to go away or become any easier to resolve. With the introduction of body cameras on police officers, I anticipate significant litigation to determine what is covered by OPRA and when it must be released upon request. Additionally, if drone surveillance is authorized at the municipal level or beyond, disclosure of it will also be a source of major litigation.

As an aside, returning to Kentucky, a few months ago, several individuals were flying a private drone which crossed over the back yard of a man who indicated that his teenage daughter was sunbathing in that area. It is unclear at this point whether the flyover was deliberate, whether it occurred several times, whether it had a camera and what the state of dress/undress of the man's daughter was at the time of the flyover in question. Allegedly, the man retrieved a shotgun from his house and blasted the drone which also allegedly cost \$1800. He was arrested for criminal destruction of property. From newspaper articles, it appears that public sentiment was in his favor but obviously the Courts will not condone unlawful behavior (destruction of property) no matter how popular it appears to be. We'll see if the Commonwealth's Attorney exercises prosecutorial discretion or wishes to set a precedent or something in between.

On the issue of privacy I read an interesting article that the discussion on privacy should really be focused on the expectation of being "anonymous" The courts have made it pretty clear that there can be no legal expectation of privacy when you are in a public place, but I think most of us feel that we shouldn't be watched in public if we haven't called attention to ourselves or committed an illegal act.

If I want to go to a museum, a movie or a department store, shouldn't I be "anonymous" to prying electronics and therefore to others. Substitute those categories with a "gentlemen's club", a sexually transmitted disease doctor, a psychiatrist or some other destination that would "raise eyebrows" and you can appreciate how anonymity can be very important. We are, not so slowly, losing that state of being anonymous and in my view, once it's lost we will never retrieve the level of privacy we once had before the advent of ubiquitous cameras installed in every conceivable place for purported public safety reasons. (next page)

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CONSCIENCE, PRIVACY AND A LITTLE BIT OF OPMA (continued)

OPRA requests of the future may further provide public disclosure of one's whereabouts which were thought to be anonymous.

As to OPMA, the Appellate Division decided a case which is significant in that the court exercised judicial restraint in not "legislating" although it agreed with the underlying sentiments of the lower court which it, nevertheless, reversed. The case was decided in August and is entitled "Opderbeck v Midland Park Board of Education".

The facts are pretty straightforward. The Midland Park Board of Education, in compliance with OPMA, posts its meeting agendas on its website in a timely fashion. In the posting under review, the Board posted four items to be discussed which included personnel, finance committee, curriculum committee and personnel committee. Each of these categories had enumerated subsections and the posted agenda referenced "support material attached" or "as per the attached appendix."

A timely request for the attachments was made by plaintiff and rejected by the Board Secretary's office. The basis for the rejection was that the material would not be disclosed until after the meeting.

The main issue in the case was whether or not the word "agenda", which by law is required to be posted with the notice of the meeting, includes only the list of items to be discussed or also includes the attachments relating to the items.

The court engaged in a full discussion of the underpinnings of OPMA (and to some extent OPRA), as well as referencing an earlier Attorney General's opinion that utilized a simple dictionary definition of "agenda" as only pertaining to the listing of the items before the Board and not to supportive materials.

The lower court ruled that the attachments are included in the definition of agenda and required by the statute to fulfill its intent. As a matter of common sense, can the public be fully informed of matters to be discussed if there is no prior access to the materials relating to them in a timely fashion so that they can be digested? The trial court thought not and ordered the Board to disclose the materials subject to any redactable information as permitted by law.

In its decision, the Appellate Division reversed the lower court because it found that the statute was eminently clear as to what was required in the meeting notice and that the word agenda was entitled to its common definition which was merely the listing of the items and not the attachments referenced. The Judges acknowledged that the law was now forty years old and modern methods of communication (internet links etc) have made it substantially easier to transmit information. (see next page)



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CONSCIENCE, PRIVACY AND A LITTLE BIT OF OPMA (continued)

Nevertheless, in a major declaration of judicial restraint the Court said “However, our roles as judges in our tripartite system of government is to construe statutes by using well-settled principles of legislative interpretation, not to amend statutes using our own notion of what is in the public’s best interest.”

Consequently, agenda means a list or outline of things to be considered or done and does not include the attachments.

The court concluded that there may be no technologically sound reason to disagree with the facially sensible approach adopted by the trial judge, but an amendment to the statute lies in the province of the Legislature rather than in a judicial engraftment.

I would anticipate that the Legislature will consider such an amendment as it would be consistent with the transparency objectives and openness in government that has developed since the original adoptions of OPMA/OPRA.

This case is a good example of non-judicial activism or the “court’s writing the law”. Separation of powers is alive and well in New Jersey.

Happy fall to all and I’m sure I will see some of you at the League.

A closing thought to think about ...

“If men (people) were angels, government would not be necessary.”

James Madison



CONSCIENCE, PRIVACY AND A LITTLE BIT OF OPMA

by Richard Lustgarten, MCANJ Legal Counsel

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



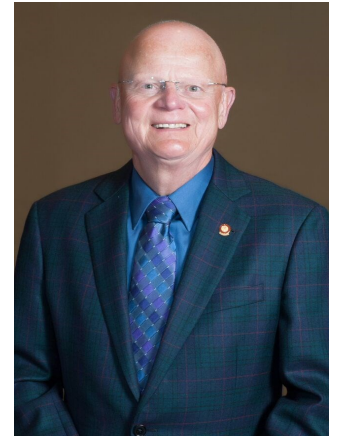
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Diane Pflugfelder, Kevin Galland, Dina Zawadski, Denise Szabo, Keith Kazmark, and John Mitch

APPLICATION FOR CANDIDACY: MCANJ EXECUTIVE BOARD

Article VI Section 1.1. of the current Constitution and Bylaws of the Municipal Clerks' Association of New Jersey, Inc., specifies: "Anyone seeking to be a candidate must file with the Secretary not later than 120 days prior to the Annual Meeting. No additional applications shall be accepted after this date." Article VI Section 1.3. specifies the criteria for eligibility to seek office: "All candidates shall have tenure of office, shall have experience and training for that office, shall have received the degree of Registered Municipal Clerk (RMC), and shall be actively employed as a Municipal Clerk." For anyone seeking a position on the Executive Board for 2016-2017 (with the exception of the office of President), the following application must be filed by December 28, 2015 in order to be eligible for consideration by the membership at the Annual Meeting to be held on April 25, 2016. Officers shall serve from July 1, 2016 through June 30, 2017.

Check one:

☐ 1st Vice President ☐ 2nd Vice President ☐ Treasurer ☐ Secretary

Name: _____

Address: _____

Municipality Employed by: _____

Position: _____

Phone #: _____ Email: _____

**Date Original Appointment: _____ ** Date(s) Reappointment: _____

** RMC Certificate Number: _____ Date Issued: _____

**** Attach certified copies of Resolutions of Appointment and RMC Certificate.**

I hereby certify the information provided herein is true and accurate.

Signature

Date



(Current members of the Executive Board seeking successive office are exempt from refiling these supporting documents.)

APPLICATIONS MUST BE RECEIVED BY DECEMBER 28, 2015 AND MUST BE MAILED TO:

Diane Pflugfelder, c/o Liberty Township,
349 Mountain Lake Road, Great Meadows, NJ 07834
(908-637-4579) secretary@njclerks.org

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MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.

MCANJ 2015 / 2016 COMMITTEE ROSTER

REVISED

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4. Jim Doherty	Wantage	972 875 7192	administrator@wantagetwp-nj.org

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Updated 6/11/2015

PICTURES OF THE PAST

In an effort inspired by Jim Doherty, each issue of The Quill hopes to revisit pictures of our past professionals.

Help us identify people in the photos for our history.



We hope you enjoy this new section!



Shepherd of the Hills Farm
 Branson, Missouri



Please send identified people to joseph.kostecki@boroughofsouthtomsriver.com

DEADLINES FOR NEWSLETTER ITEMS

The deadline for People Page submissions for the January 2016 issue is December 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 December 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,
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