MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.

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IIMC LEADERSHIP

&
IIMC & MCANJ
CONFERENCE



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OUTGOING PRESIDENT'S MESSAGE

by Keith Kazmark

As I write my final President's Message for the Quill, I am on a flight to Omaha, NE for the International Institute of Municipal Clerks' Conference, where our very own Vincent Buttiglieri (Ocean Township, Monmouth) will be installed as President of the IIMC. IIMC is a great resource for Municipal Clerks around the globe and I would encourage our membership to try to attend at least one during your career. Rest assured, you will not regret it! We are all excited for Vinny, and know he will represent the organization well as he travels the world promoting our profession.

We should all be very proud of our own MCANJ Conference, as well, which was held at the end of April at the Tropicana Hotel and Casino in Atlantic City. The feedback from the evaluations were overall very positive, along with a few recommendations for future conferences. All suggestions will be taken into account as we plan for 2017. With just under 300 attendees, some interesting session topics and great friendship and comradery amongst our colleagues the conference was a great success. A special thanks to our conference Co-Chairs, Sharon Brienza (Branchburg) and Heather Mailander (Ridgewood), along with the entire committee for the work everyone put in planning and executing the event. I must also again thank our Executive Director, Joel Popkin, for his unending work to ensure every detail of the conference ran smoothly.

Lt. Colonel Kevin Sweeney (Ret.) of the United State Air Force and Air National Guard served as our keynote speaker and was well received. Our silent auction and merchandise sales fundraised for our scholarship fund. Thanks to Doreen Cali (Roselle Park) and Laura Borches (Ho-Ho-Kus) for their efforts with fundraising!

Congratulations to Eileen Gore (Hamilton Township) who was elected as our new Secretary. I have known Eileen for quite a few years now, and know that she will do a top notch job as she assumes her new role on the Executive Board. (continued on pg. 6)

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1985: Elizabeth G. Nolan	2001: Sharon L. Brienza	2011: Joanne M. Kwasniewski
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1988: Elaine Wallace	2003: Allan Susen	2013: Nancy Saffos
1993: John J. Galvin	2004: Joel Popkin	2014-15: John Mitch
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1995: Christina N. Wilder 2006: Elaine B. Kennedy

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	Well of the visciti B	OTTION WILLIAM	145 1 1 2 0 1 7
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Hudson:		Union:	Doreen Cali, Roselle Park
Hunterdon:	Michele Bobowski, Alexandria Township	Warren:	Kelley Smith, Harmony Township
Mercer:	Debra Sopronyi, Hightstown & Roosevelt B	oroughs	

INCOMING PRESIDENT'S MESSAGE

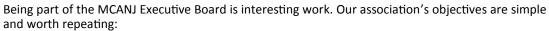
Denise Szabo

I don't know about you, but when I was a child and someone would ask me what I wanted to be when I grew up, I never said a Municipal Clerk. Heck, I didn't even know what a Municipal Clerk was!

Yet, as I begin my 32nd year in local government, I can tell you that being a Municipal Clerk is exactly what I always wanted to be, but never knew why. I would venture to guess that many of you feel the same way.

It's a career that takes hard work and diplomacy. It often involves long hours and an ever-changing landscape of elected officials and legislation; yet the rewards can be great. Being in this role gives us an opportunity to have a positive impact on the communities in which we live and work.

It is both an honor and privilege to begin my term as president of MCANJ. Thank you for the opportunity.



- we promote education and training for Municipal Clerks;
- we advance a better understanding of the official obligations of our members; and
- as far as possible we try to set-up uniform methods of procedures in NJ Municipalities.

It's a "roll up your sleeves" kind of job. We do everything from plan education programs and conferences, to review proposed changes to legislation, to watch the backs of our members through the Legal Defense Fund.

Following Keith as president will not be easy, but my focus this year will be on a few, but important issues.

- Records today have evolved into management information systems. As records managers, it behooves us to keep up to
 date and informed on technology. I will be working with Deanna Bennett, Chairperson of our Manual Review Committee,
 Steve Goodfellow of Access Systems and Laura Flagg of Rutgers to update the Records portion of our Manual for 21st
 Century Records Managers. The emphasis will be on practical information technology material for Municipal Clerks. I also
 look forward to working with DORES on updating record retention schedules.
- 2. Those of you that know me know that I love technology and I want our membership to maximize on its power. To that end, MCANJ is sponsoring our first webinar on October 4, 2016 at 10 AM. The webinar will be conducted by Everyone Counts and will include a refresher on the use of State Voter Registration System (SVRS). It will also include demonstrations and training on the advance features of the system. Many clerks do not utilize the advanced features of the system which are very useful in our role as Local Election Officials. Bob Giles, the Director of the NJ Division of Elections will review the features of the Division's website and provide other pertinent information concerning the upcoming election. This is a free webinar to MCANJ members; and a full 2 CEU's in Elections will be awarded upon completion. Watch your inbox for an email with registration information.
- 3. While MCANJ cannot lobby for legislation, I promise you that I will represent the opinion of Municipal Clerks when speaking to legislators about proposed changes to OPRA and OPMA. As we all know, the concepts of OPRA and OPMA are laudable but the devil is in the details.
- 4. You'll be seeing some changes to the Quill this year. We will have guest writers. These guest writers will focus on the different disciplines of our job, as well as human interest stories concerning Municipal Clerks. Michele Seigfried, the Municipal Clerk of Robbinsville will also be a contributing writer, authoring a light hearted column called: "Just Another Day in the Life of a Clerk." As many of you know, Michele has published four "humorous, cozy" mystery novels along with six children's picture books. Michele's column is meant as lighthearted humor for those who work as Municipal Clerks. Our hope is that it will strengthen our relationships by fostering an emotional connection to similar situations we have all experienced. Laughter provides a strong defense against stress, disagreements and disappointments. It helps us to see situations in a more realistic, less threatening light. I guarantee you'll be laughing out loud once you read her column. Pam Borek, the Municipal Clerk of Hillsborough Township will be the new People Page editor taking the reins from retired Municipal Clerk Sharon Brienza. If you have news or photos you'd like to share with the members about yourself, email Pam at pborek@hillsborough-nj.org.
- 5. MCANJ has many members who are passionate about being Clerks--who care about the vitality and well being of our profession, and who are good at what they do. Thank you to all of you who completed a "Tap the Talent" volunteer form and stepped up to serve on one of MCANJ committees. Please see the complete list of appointees on page 29. (continued on next page)



INCOMING PRESIDENT'S MESSAGE

(continued)

I'll work hard on keeping up the reputation of one of the most respected professions in history, and keeping our membership informed and involved.

Thank you again for this wonderful privilege you have afforded me, and with your help, I look forward to productive year.

IT'S TIME TO RENEW YOUR MCANJ MEMBERSHIP

MCANJ is now accepting New and Renewal Membership Applications for the FY 2017 (7/1/16-6/30/17) through our online system.

Membership in the Municipal Clerks' Association of New Jersey offers an instant network to hundreds of the most professional of local government officials in New Jersey and beyond.

MCANJ offers meaningful and affordable educational opportunities to its members through an Annual Education Conference, as well as webinars throughout the year. Registered Municipal Clerks can earn continuing education credits towards their certification renewal at these sessions.

MCANJ also keeps abreast of changes in Trenton and disseminates this information to its membership through its continued communications.

Municipal Clerks, the oldest of local government officials, offers camaraderie like no other; with members offering assistance when needed especially to non-seasoned Municipal Clerks or Municipal Clerks who may not have faced a particular situation before. Municipal Clerks will undoubtedly develop new and long lasting friendships when they join MCANJ.

MCANJ offers the following classes of membership:

Regular Membership – Any person holding the office of Municipal Clerk, Acting Municipal Clerk, County Clerk, or Clerk of the Board of Chosen Freeholders of any municipality or county in NJ. \$100 Annual Fee

Associate Membership – Any person holding the office of Deputy or Assistant Municipal Clerk, Deputy County Clerk, or Deputy Clerk of the Board of Chosen Freeholders. *\$75 Annual Fee*

Honorary Membership – Any Regular, Associate or Affiliate Member in good standing upon retirement. *\$0 Annual Fee (Honorary Members must still renew their membership online each year even thought there is no annual fee. This is so we have your most up-to-date contact information).*

Affiliate Member – Any person holding any governmental or education office of employment, or any person interested in promoting the objectives of the Association who is not eligible for Regular, Associate or Honorary membership. *\$75 Annual Fee*

The annual membership term is from July 1st through June 30th. Registration online is simple and quick. You don't need to send your PO for our signature, as the confirmation/invoice which is generated from the system has been approved by the Local Finance Board to be acceptable for use by counties and municipalities in the State. Click Here to View the Local Finance Board's Approval or visit our website: www.njclerks.org.

Help keep our membership strong by prompt submission of your membership application on or before **October 1, 2016**.

LDF Renewal Coming Soon

On or about August 1, members will receive notification of the commencement of LDF renewal.

Remember, you must be a paid MCANJ member to join the LDF.

Watch your Inbox for details.

Click Here For the Membership Application,

or visit our website njclerks.org for the link
Don't forget to update the mailing address for membership payments

Only online registrations will be accepted.

Diane M. Pflugfelder, Treasurer c/o Township of Liberty 349 Mountain Lake Road, Great Meadows, NJ 07838 908-637-4579

SHARON YOUNG 2016-2017 MUNICIPAL CLERK OF THE YEAR



Congratulations to Sharon Young, the Municipal Clerk of West Windsor for being name Clerk of the Year. Like so many of our outstanding MCANJ members, Sharon, started her career in municipal government coming up through the ranks while accumulating valuable institutional knowledge which helped develop her skills as a Municipal Clerk.



In 1998, she began her career in Municipal Government in the Code Enforcement Office and then was hired by the Engineering Department. Eighteen years later she continues to serve in the same municipality.

In June 1999 she accepted the Deputy Clerk position until she attained her RMC, when she was appointed Municipal Clerk in April 2002. In June 2005 she attained her CMC, and in April 2010 her MMC.

Prior to her career in municipal government, Sharon accumulated twenty years of employment experience with several companies in managerial positions that operated in the business of microfilm processing, laser printing, and computer programming for overall data management.

The Clerk of the Year has been an active participant of MCANJ for many years, always available to lend a hand. She has been a member of many MCANJ Committees over her career. Sharon currently serves as the Mercer County Advisory Board Member to MCANJ, on the Rutgers University Education Committee, and is the Chairperson of the MCANJ Records Committee.

She has been a speaker at various MCANJ and County-sponsored seminars and offers her assistance in every way possible for service to both the MCANJ organization and to individual clerks as a mentor. She loves the Jersey Shore, riding her bike through all the unique beach towns from Spring Lake to Asbury Park, and gardening. She serves as a deacon in the Newtown Presbyterian Church and participates in numerous charitable organizations.

When asked what she loves about her job the most, Sharon states: "The diversity of the duties of a Municipal Clerk and the fundamental role of the Clerk has in local government from Elections to Licensing to managing the responsibilities as the Secretary to the Governing Body."

MCANJ MEMBER SPOTLIGHT AWARD

Do you know a MCANJ member municipal, county or freeholder clerk, or deputy who promotes civic involvement by getting involved in activities and events outside of their normal responsibilities as a clerk? In a program named "MCANJ Member Spotlight," we will look to recognize members who are active in either their work or home community. Members to be considered for this recognition can be nominated by other MCANJ members or non-members who wish to bring to our attention what individuals do outside of their job that promotes you being a clerk. Nomination forms are available here, or can be found on our website: www.njclerks.org. Awards will be made quarterly. Do something nice for a deserving clerk and nominate them for this award.



OUTGOING PRESIDENT'S MESSAGE

(continued)

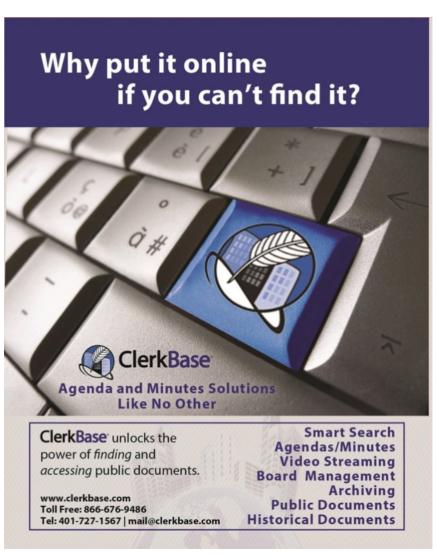
There are also two Sharons who I must mention as well.

The first is Sharon Young (West Windsor) who was named our 2016-2017 Clerk of the Year at our Annual Business Meeting. Sharon has diligently served MCANJ and is currently the Mercer County Advisory Board Member, is a member of the Rutgers University Education Committee, and serves on the MCANJ Education & Professional Development Committee. She has worked in various Departments in West Windsor over her career prior to being appointed Clerk in April of 2002. Congrats again Sharon!

Second is Sharon Brienza (Branchburg), as she prepares to retire at the end of July, Sharon has put her heart and soul into MCANJ over the years as a past President, Clerk of the Year, Conference Co-Chair and Chair of the Legal Defense Fund. She has certainly made her mark on our association and her efforts will not soon be forgotten. Enjoy your retirement, Sharon! At our Annual Meeting at the conference, I had the privilege of presenting the "Friend of the Municipal Clerk Awards" and the

"L. Manuel Hirshblond Distinguished Service Award" to some very special people in our Association. First was our former Legal Counsel Richard Lustgarten. As I have written Richard many times, his service to MCANJ has been outstanding over the years and he certainly is deserving of this award. Equally as helpful to us and our members is Dan Kaminski from the Division of Local Government Services. Dan has been a constant resource to Municipal throughout the State when it comes to tification. We value our relationships with both these individuals who are truly "Friends of the Municipal Clerk." The recipient of the Distinguished Service Award maybe a little less known to our membership, but has moved us light years forward when it comes to technology. Cit-E-Net, who is also our website provider, has assisted MCANJ with on-line membership, conference registration, evaluations and CEU retrieval. They have been of significant help over the past few years and we appreciate their efforts in providing easy access for our members.

Over the past year, I have gotten to travel around New Jersey to 17 of the 21 counties and visit with clerks at County meetings and mini-conferences. It has been enlightening to speak with fellow clerks and hear about their challenges, concerns and opinions on a variety of topics. (continued on next page)



OUTGOING PRESIDENT'S MESSAGE

(continued)

From OPRA and OPMA, to the consolidation pilot program, to legislation regarding elections, to relationships with elected officials - the issues brought forward are real and have been brought back to the MCANJ Executive Board for discussion and action.

It is great to see our County associations hosting mini-conferences, individually or jointly with other counties. This provides our members an opportunity to earn CEU's in a one day session, which in many cases is local and more convenient. Our County Associations are doing a great job serving their members!

This year we spent a considerable amount of time following legislation, which may impact Municipal Clerks. The constant chatter about the proposed amendment to the Open Public Records Act (OPRA) and the Open Public Meetings Act (OPMA) are always on the radar of our Legislative Committee and the Executive Board. In addition, bills presented in the Legislature concerning election law, pension and benefits, along with a host of other topics continue to be monitored and efforts are made to create a thoughtful law, which benefits the public at large.

Over the past year we have continued to build upon our relationship with Rutgers's University Center for Government Services. I would like to again thank Laura Flagg for her efforts in providing CMC and MMC opportunities and for working to help us publicize our scholarships which are available to our members. Laura has also been a strong partner in keeping the joint CGS/MCANJ Education Committee together.

The Executive Board has made communication with our members a priority. Whether through e-blasts, Facebook or our website we try very hard to keep our members aware and up to date on matters of importance.

MCANJ is a wonderful organization that works because of our deeply dedicated membership. Those who volunteer for committees and as Advisory Board Members make up the backbone of our association and are the connection to our members at the County level. I want to thank each of you who have served MACNJ this year and encourage you to continue your good work in the future.

I must thank the entire Executive Board for their efforts on behalf of MCANJ. To Denise, who will make an outstanding President of this Association, to Dina, Kevin, Diane and Eileen I wish you all the best as you continue to represent the interests of Municipal Clerks in New Jersey.

To all our members, I very much appreciate the trust you placed in me to serve you for the past five years and this year as President. It is certainly an experience I will forever value and will never forget. If you ever have the opportunity to encourage a new clerk, or maybe a current clerk, who for one reason or another has not joined MCANJ, I ask you to do so. The opportunities are endless. From creating new friends, to networking with fellow professionals who "speak your language," to the educational aspect of what we offer, we hope you will be a partner in getting new members to join us.

And with that - I'm off to buy my OMAHA! OMAHA! sweatshirt! What will they do now that Peyton Manning retired?

INVOCATION AND MOMENT OF SILENCE FOR JIM DOHERTY

WANTAGE TOWNSHIP, MUNICIPAL CLERK/ADMINISTRATOR

Past President Drew Pavlica offered the following remarks at the MCANJ Annual Meeting held Monday, April 25, 2016 at the Tropicana Hotel in Atlantic City

A little later today, we will have a Resolution in honor of those Municipal Clerks who have passed away during the past year. All have made contributions during their lives as Municipal Clerks, and none are greater than any other, but I've been asked to make a few short comments about Jim Doherty of Wantage Township and my experiences with him. So please forgive me if I make mention of myself in what I'm about to say about Jim.

As many of you know, earlier this month on April 3rd, Jim Doherty passed away from Hodgkin's Lymphoma, at age 57.

As time has gone by in my 29 year career as a Municipal Clerk, I worked more and more with Jim in regard to MCANJ activities, and our appreciation of each other grew and grew and we became good Municipal Clerk friends.



Jim was a professional friend to just about everyone up here on the dais and Jim was friends with so many of you in the audience. If you did not know Jim, Jim was a friend you just hadn't met, yet.

Jim was a relatively quiet and unassuming man who liked to work behind the scenes. He was a capable and patient and kind man and a very helpful man. Past-President Sharon Brienza may have described Jim best when she said that when you looked up the word "gentleman" in the dictionary, Jim's picture should be next to it.

Many of you might know Jim best as the Editor of the Quill for the past 10 years or so, until he gave it up last July. Or, you might have known Jim best as the guy at our annual meetings, who so efficiently, but politely, called every County up to vote for the candidates for the Executive Board, whenever we had Elections.

When I was President of the MCANJ, four years ago, I was grateful for so many people who stepped up and helped. But the one guy I turned to time and time again to help me serve each and every one of you, was Jim Doherty.

When it was time for me, as your President, to point out problematic issues with proposed changes to OPRA and OPMA, it was Jim who volunteered to do it. Jim's amazing, well thought-out, logical written response to the proposed OPRA Legislation, and to unkind comments about Municipal Clerks, made by the Senator who sponsored the Legislation, dazzled all of us on the MCANJ Executive Board, with his directness, statistics and facts - we were all glad that he was on our side!

When it came time to testify on our behalf, in regard to the OPRA Legislation, it was Jim who personally took the long drive to Trenton from Wantage, to speak before the Legislature, and whose recorded testimony went viral among Municipal Officials throughout the State because of its excellence.

It was Jim Doherty who invited me into his home in 2012, so he and I could put the finishing touches on the creation of the MCANJ Facebook Page that so many of us rely as a resource. (continued on next page)

INVOCATION AND MOMENT OF SILENCE FOR JIM DOHERTY

(continued)

It was Jim Doherty, the "Elections Guru", who was a Rutgers Instructor, who educated so many Clerks for their RMC, and inspired so many of us as our teacher.

It was Jim Doherty, who was working with me until his last days to update the History of the MCANJ, for our 90th Anniversary, next year.

It was Jim Doherty who was Municipal Clerk of the Year in 2011.

Jim Doherty did so many things for this Association and for all of you and he was admired; and many people had great affection and even love for him.

Jim Doherty was our friend and he served us well. Rest in peace, Jim. Your job is done.

At this time, I would kindly ask for a moment of silent reflection in his memory. Thank you









58TH PRESIDENT OF THE INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS ("IIMC") VINNY BUTTIGLIERI, MUNICIPAL CLERK OF THE TOWNSHIP OF OCEAN (MONMOUTH)

On Wednesday, May 25th Vinny Buttiglieri, Municipal Clerk of the Township of Ocean (Monmouth) was sworn in as the 58th President of the International Institute of Municipal Clerks ("IIMC") at the Annual Business Meeting held

during their 70th Annual Conference in Omaha, Nebraska.

Chain of Office being passed on by 2015-2016 IIMC President Monica Martinez Simmons, MMC

Christina Wilder, retired Municipal Clerk of Hamilton Township (Mercer) and the 1992-1993 IIMC President administered the Oath of Office in front of over 1000 attendees. Vinny becomes the seventh Municipal Clerk from the State of New Jersey to assume this leadership position, and the first since 2004-2005.

During the Annual Business Meeting, he elaborated on some of his goals for the upcoming year including:

Enhancing and strengthening the educational opportunities including those available on-line.

"The next twelve months will be a critical time for IIMC and IIMC education. IIMC, under the leadership of Dr. Jane Long, has done a great job in providing quality high-level Clerk education and it is my goal that we continue to enhance these opportunities whether it be through additional on-line courses or different vehicles in which to deliver these courses. By doing so, we will be able to assist those Clerks who do not have the staff or the financial resources to attend their institute or for those Clerks who do not have an IIMC-approved institute in their state. With regard to our international members (Regions 10 and 11), we must continue to work with representatives from those regions to determine how IIMC can best meet their educational needs. The saying "One size fits all" does not hold true when dealing with Clerk education. We cannot leave one clerk behind. The more learned they become and the more tools they can incorporate in their offices, the better equipped they will be to serve their governing bodies and their communities. IIMC has always done a phenomenal job in adapting the vehicles in which

we deliver Clerk education and I promise that over the next twelve months, we will continue to do so. "He went on to say that the "growth and success of IIMC is limitless as long as we provide quality educational opportunities in a manner that takes full advantage of all the different learning tools available in this age of technology."

58TH PRESIDENT OF THE INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS ("IIMC") VINNY BUTTIGLIERI, MUNICIPAL CLERK OF THE TOWNSHIP OF OCEAN (MONMOUTH)

Promoting Municipal Clerks who are the "Difference Makers" in their communities.

While I stand here speaking about my vision, this year is really not about me but rather it's about you, whether you're from a municipality of 2 hundred, 20 thousand or 2 million. I was thinking about how we, as an organization, can best demonstrate the true meaning of that statement throughout this coming year. How can this little quote help us elevate our organization, our 10,000 plus members and the greatness that all of you, my colleagues, possess. Each member of IIMC gives so much of their time, their energy and themselves to their respective communities, county and state associations and regions, performing a variety of difference-making and life-changing deeds. Clerks are usually making things happen without ever seeking the spotlight for themselves but each one of us is a difference-maker. These deeds are being done because it is inherently beneficial to some segment of your community. I recently heard of a Municipal Clerk who has served on her local volunteer rescue squad for the last 40 plus years. I've known this person as long as I've been a Municipal Clerk and never even knew she served in that capacity. She never talked about it or bragged about it. Sound familiar? IIMC has thousands of "givers" just like that person and just like you. This year, we are going to be highlighting these individuals in our monthly News Digest under a caption called "Spotlight on Success." The nomination form is available on the IIMC website. Let's make this the year we elevate our profession not just in our communities but worldwide. The author John C. Maxwell stated "Leadership is not about titles, positions or flow charts. It's about one life influencing another." We have that opportunity on a daily basis. Let's commit to not letting a day pass us by.

Vinny closed his comments by leaving the attendees with the following quote by President Jimmy Carter:



"I have one life and one chance to make it count for something...My faith demands that I do whatever I can, wherever I am, whenever I can, for as long as I can, with whatever I have to try and make a difference."

I ask that you join me in making this the year we make a difference in IIMC, in the IIMC Foundation and in Clerks lives everywhere.

Thank you for your continued support, encouragement and friendship.

70th ANNUAL IIMC CONFERENCE, MAY 22 - 25, 2016 IN OMAHA, NEBRASKA









MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY EDUCATION CONFERENCE APRIL 25-27, 2016 IN ATLANTIC CITY, NJ





Rutgers University Senior Program Coordinator Laura Flagg at the podium as MCANJ Legal Counsel Steve Goodell listens intently during the 2016 MCANJ Education Conference held at the Tropicana in Atlantic City on Monday, April 25, 2016.

Retired Municipal Clerk Volunteers at the Registration Desk during the 2016 MCANJ Education Conference held at the Tropicana in Atlantic City on Monday, April 25, 2016, (L-R) Bette Mastropasqua, Joe Favaro, Tina Fiorellino and Jane Williams-Warren.



MCANJ Executive Director Joel Popkin, MCANJ Second Vice-President Kevin Galland, 2015-2016 Clerk of the Year Joanne Kwasniewski of Fair Lawn and MCANJ Immediate Past-President John Mitch take a moment to pose for a picture while setting up for the 2016 MCANJ Education Conference held at the Tropicana in Atlantic City on Sunday, April 24, 2016.



2016-2017 MCANJ Municipal Clerk of the Year Sharon Young is surrounded by her family during the 2016 MCANJ Education Conference held at the Tropicana in Atlantic City on Monday, April 25, 2016.

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY EDUCATION CONFERENCE APRIL 25-27, 2016 IN ATLANTIC CITY, NJ













2016-2017 Municipal Clerks' Association of New Jersey Officers being sworn in by Bernards Township Mayor Carol Bianchi on April 26, 2016 at the MCANJ Education Conference at the Tropicana Hotel in Atlantic City: President Denise Szabo, 1st Vice President Dina Zawadski, 2nd Vice President Kevin Galland, Treasurer Diane Pflugfelder, Secretary Eileen Gore and Immediate Past President Keith Kazmark



MCANJ Education Committee Chairperson Joanne Kwasniewski introduces those who successfully earned their New Jersey Registered Municipal Clerk Certificate in the past year during the 2016 MCANJ Education Conference held at the Tropicana in Atlantic City on Monday, April 25, 2016. — with Lori Buckelew, Joel Popkin, Kevin Galland, Denise Szabo, Joanne Kwasniewski, Diane Pflugfelder, John Mitch and Keith Kazmark.

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY EDUCATION CONFERENCE APRIL 25-27, 2016 IN ATLANTIC CITY, NJ

















MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY EDUCATION CONFERENCE APRIL 25-27, 2016 IN ATLANTIC CITY, NJ















MEET MCANJ'S NEW LEGAL COUNSEL

Steven Goodell, Esq.
Herbert, Van Ness, Cayci & Goodell PC

Court Issues "Clear Demarcation Line" for Records

This is my first column for the Quill and I realize, looking back over my predecessor's columns, what big shoes I have to fill. Richard provided you with insightful legal analyses mixed with charm. What I hope to do is use this space to keep you current with the legal issues that affect your duties. You as clerks are constantly swimming in legal waters, and the goal is to give you the information needed to stay afloat. Of course, for particulars, always check with your municipal attorney.

First, though, let me introduce myself. I started by career in 1985 as an assistant prosecutor at the Mercer County Prosecutor's Office. I began working with municipalities in the late '80s, and have been representing governing bodies, planning boards and zoning boards in Central Jersey since that time.

I want to thank all of you for your warm regards and well wishes as I begin this role. From my perspective, you have a strong association and great comradery.

And now for a legal update. You probably know – or know of -- John Paff. Mr. Paff tests municipal compliance with OPRA throughout the state. Lexis shows him to be the named plaintiff in at least twenty lawsuits in which courts have issued written decisions. He has sued municipalities, counties, prosecutors' offices, the Department of Labor, the Division of Law, the Office of Attorney Ethics, and others.

On April 18, 2016, the Appellate Division issued an important new decision in a case involving Mr. Paff and Galloway Township. The case, *Paff v. Galloway Township*, 444 N.J. Super. 495 (App. Div. 2016), resolved the question of whether records custodians would be required to create logs of records, where no log existed before the request, and reiterated that clerks and records custodians were not required to create new records in response to OPRA requests.

Mr. Paff requested a "log" of all emails sent by the clerk and police chief over a particular two-week period. The log could have been generated in a few minutes, but the court held that the log was not a government record because it did not exist before the request was made and would have to have been created.

The court wrote: "We hold that that OPRA does not require the creation of a new government record that does not exist at the time of a request, even if the information sought to be included in the new government record is stored or maintained electronically in other government records. The Township's computers store the emails, which are government records, but the Township has never created an email database for the use of Township personnel." The court further wrote: "While the OPRA request under review might not present a burdensome task, we can easily envision requests of a similar nature that would present a serious burden."

In summary, the court's decision drew what it called a "clear demarcation line" between what is required to be produced and what is not, holding that "OPRA does not require the creation of a new government record that does not exist at the time of a request, even if the information sought to be included in the new government record is stored or maintained electronically in other government records."

Again, if you have specific legal issues you would like to see covered in this column, let me know. My goal is to be responsive to your concerns.

THE QUILL A day in the life of ...



A Day in the Life of a Municipal Clerk

SURVIVING ELECTION DAY

Michele Lynn Seigfried

This column is meant as lighthearted humor for those who work as municipal clerks. Our hope is that it will strengthen our relationships by fostering an emotional connection to similar situations we have all experienced. Laughter provides a strong defense against stress, disagreements and disappointments. It helps us to see situations in a more realistic, less threatening light.

Sometimes, I can't believe the "crap" that happens on Election Day. I mean that literally. Let me explain...

At an election not long ago, a voter became irate when they saw a sign at our senior center saying that the bathrooms were not for public use. After all, it was a building funded with taxpayer dollars. The voter essentially paid for a seat on that porcelain throne and he really had to go...in more ways than one. So, he went...to the police station, that is, where he filed a complaint.

The police called me, but I wasn't sure what they wanted me to do about it. I asked the poll workers to take the signs down. They told me they couldn't-the County wouldn't allow it. I called the County... the three offices of the county--the County Clerk, County Board of Elections, and County Superintendent of Elections. I mean, how was I to know who was in charge of bathroom signs? A section on bathroom signs doesn't exactly appear in the Clerk's Reference Manual.

The Board of Elections claimed responsibility. They indeed wouldn't allow the "no bathroom" signs to come down. The reason? They couldn't ensure all bathrooms were handicap accessible, and it was much easier to put those signs up to protect them from a lawsuit rather than allow the voters to go.

(continued on the next page)



SURVIVING ELECTION DAY

(continued)

I shook my head, because there wasn't much else I could do. That was just the start of the day.

A woman appeared at our front counter. She needed to know where to go to vote. I told her she was to vote at the firehouse. She asked me what the firehouse looked like. "Umm, big garage doors...large sign out front...red brick...red firetrucks."

She then asked me how often the fire alarms go off. "Umm, whenever there's a fire?"

Earlier in the day, I had plastered nearly 20 yellow "vote here" signs down a small hallway to the polling location in the municipal building. A voter came to my office and complained that I should put signs up because he couldn't find the polling location. I laughed, because naturally, I thought he was joking. He wasn't. Next time, I'll put 50 signs up because that's more reasonable (not)!

At last! The day was nearly over and we were finished tallying votes. My last order of business was to deliver the provisional ballots to the County. Upon arriving, I noticed that the Clerk from a neighboring town was there ahead of me.

I asked her how she got there before me because she has more than double the election districts I have. I joked that her poll workers must be younger than mine. Her response? "Oh no, that's not possible. The spouses of my poll workers are already collecting their survivor's benefits."

I glanced at my ringing cell phone. It was the press. They wanted to know why I hadn't included certain write-in winners for county committee. "I'm sorry but Huey, Dewey, Louie, Mickey Mouse, Donald Duck, and the three stooges are not registered to vote."

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THE COMMON LAW; NO CITIZEN, NO NAME NO DOCS; RETRIEVAL v CREATION

Richard A. Lustgarten, Esq.

There seems to be a renewed interest in public access to documents through use of the "common law" right to know in addition to requests through OPRA. I recently presented these issues in Essex County and next year will do so again for a League seminar. OPRA clearly indicates that access through the CL as not abrogated by the adoption of it. The purpose of each is a right of access to public documents but the standards are somewhat different.

First, a bit of history. The "common law" was developed in England and brought to the colonies before the U.S. became the U.S. Effectively, it was Judge made law rather than established by legislators and was largely created in the period after the Norman conquest in 1066. It applied only to civil cases and established principles that formed prece-



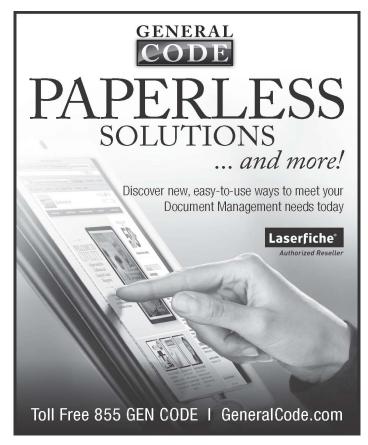
dent in matters such as contract, torts, land disputes and inheritance. For our purposes right of access procedures for public documents were also established. To be entitled to access the requestor had to assert that the document sought advanced the common welfare, or was needed for a commercial purpose such as a land sale, or was needed to prosecute or defend a civil action.

Over time, the law required that the requestor have an "interest" in the requested document. No interest, no access. The "interest" requirement diminished in part as it was easily met and ultimately a balancing test was established. As a generally

stated proposition inspection was permitted if the person had an interest which was not deemed improper and disclosure would not be detrimental to the public interest.

Obviously, this standard is rather subjective. As an example, the Rhode Island Supreme Court opined---that no one had a right to examine public records from mere curiosity or for the purpose of creating a public scandal. Painful and disgusting or lurid details (appearing in documents) do not serve the public purpose and merely cater to a morbid craving for that which is sensational and impure.

I don't believe that these standards are in current use nor do they make for sound precedent. The opinion was rendered in 1893. Nevertheless, a U.S. Supreme Court decision in 1978 indicated that prior judicial decisions did not identify all of the factors to be weighed in determining whether access was appropriate and assessing the factors in a specific case is left to the sound discretion of the trial court. This to me is still rather subjective but modern considerations of what is morbid curiosity I'm sure are different than they were over a hundred years ago.



THE COMMON LAW; NO CITIZEN, NO NAME NO DOCS; RETRIEVAL v CREATION (continued)

(continued) In 1953 an article was written by a lawyer who was also a faculty member of Columbia's Graduate School of Journalism. The treatise effectively described the muddle of the common law standards and procedures and hence the emphasis shifted to statutory rights set forth in "Freedom of Information Acts, Right To Know Laws or, as in New Jersey an Open Public Records Act.

There are currently 51 such acts. (All the states and the Federal government) While very similar as to their purpose (open access for the citizenry), each has its own nuance and requirements. As we know in New Jersey, OPRA is a document retrieval statute rather than a requestor status law (except perhaps for citizenship—to be discussed below). Motivation of the requestor is irrelevant if what is requested is defined as a public document and does not fall within any of the statutory exemptions or exempt by executive order.

We still seem to follow part of the old common law approach under a common law right of access request in that citizens must demonstrate a personal or particular interest in the material sought to be examined and a trial court will consider whether disclosure advances a wholesome public interest or a legitimate private interest. In my opinion the Court's are fairly liberal in determining a person's right to request access as the mere assertion of citizen or taxpayer status will satisfy the "interest" requirement, and the real issue will be whether or not the need for confidentiality outweighs the right of disclosure in a particular case.

As set forth above OPRA defines what is a public document (virtually by defining what it is not) but the common law definition as different. A common law record is one required by law to be kept or necessary to be kept in the discharge of a legal duty or directed by law to serve as a memorial of a public officer's actions. Essentially it is a written document made by a public officer who was authorized by law to make it. If it is therefore a public record under the common law, the requestor is entitled to it if the balancing test tips in his favor as outweighing the State's interest in preventing disclosure. New Jersey citizens enjoy the right of access either under OPRA or the common law.

Which brings us to Harry Scheeler. He is a self described good government activist who used to live in Cape May but is now a citizen of North Carolina. A classic definition of a citizen is one who is a member of a state or nation who owes allegiance to its government and is entitled to its protection. The 14th amendment indicates that a citizen of the United States is a citizen of the state in which they reside. The relevance of all of this is that the preamble to OPRA states that "a citizen" may seek access to records and does not use the phrase "any person may seek access" etc. (The use of the word person appears in other sections.) The judge decided that Scheeler was not entitled to the access aspect of OPRA as he was not a citizen. He relied on some legislative history wherein the use of the word "citizen" was considered but not included in the final version of OPRA. Additionally, in a Virginia case the US Supreme Court ruled that its statute, under a different fact pattern, was constitutional when it limited access solely to Virginia citizens. It stated that there were other avenues of access which may have aided in its conclusion, and the Privilege and Immunities Clause of the Constitution did not require a different result.

In the Scheeler case, I understand the judge's reasoning but it seems that he was somewhat adverse to Scheeler whom he describes as a gadfly throughout the opinion. I'm not convinced. If Scheeler were not a gadfly would the judge have felt differently? Suppose he made only one request a year instead of the one hundred that he asserted he makes. Since OPRA is a retrieval statute does the characterization of the plaintiff matter? I think not. It seems that the judge applied the common law standard of "good purpose" rather than the statutory standard of an accessible document. There is also a rule of statutory construction which states that statutes should be interpreted sensibly and not in a way that leads to absurd results. For example, if I move to New Jersey and live here for one day I can use OPRA but if I have a second home here for many years and am a "citizen" of Florida, I cannot. The same issue is if I have several investment properties here but live in New York I can't use OPRA. If I travel on business out of the country for most of the year but consider New Jersey my "home" I am OPRA eligible. If I move out of state before I sell my NJ home, and it takes some time to sell it, I can't use OPRA to obtain information that might aid in the sale. I'm sure you can think of other examples. And finally, can't I easily get someone who lives in the state or some professional to make the request for me?

(continued on next page)

THE COMMON LAW; NO CITIZEN, NO NAME NO DOCS; RETRIEVAL v CREATION

(continued)

(continued) Scheeler is a trial court opinion and we shall see if there is a legislative response.

Which segues into the question as to whether one can be anonymous in making an OPRA request even if you are a citizen. The statute alludes to anonymity but is not totally clear how it is effectuated. An individual made such a request to a public agency for criminal investigatory reports and was denied. Thereafter, the individual filed an action in Superior Court using A.A. as his/her name. The appellate court, without discussing in depth whether anonymous OPRA requests could be made and appealed anonymously to the GRC, decided that current Court rules do not permit anonymous complaints in Superior Court unless the plaintiff falls within a limited permissible category or by leave of court—none of which applied to A.A. It is my understanding that the Supreme Court has declined to amend the Court rules in this regard.

In April of this year the Appellate Division affirmed the general principle that OPRA does not require public agencies to create records and that OPRA only allows requests for records not requests for information. The issue involved the creation of an e-mail list from "metadata". It was agreed that the emails themselves could be considered public documents (subject to redaction or refusal pursuant to current standards) but there is no requirement to create a new document. Hence, retrieval, not creation, is still the standard.

Happy summer.

"Nothing in life is to be feared, it is only to be understood.

Now is the time to understand more, so that we will fear less."

Marie Curie

MCANJ CONFERENCE SURVEY

MCANJ has recently enjoyed many successful Annual Education Conferences in Atlantic City. Atlantic City offers many financial incentives to hold conferences in the resort city.

Thank you to all who took part in our informal online survey regarding the Annual Education Conference. The Executive Board is exploring opportunities to address the memberships' concerns.

Here are the results:

Online Polls		
This is an unscientific poll		
	Posted: Friday, May	06, 2016
Please choose one:		
I would support the Annual MCANJ Conference to be held in a more central location, such as Long Branch, held Monday through Wednesday, and offering 2 full CEUs in each discipline. I would book a room instead of commuting.	42%	154 votes
I would support the Annual MCANJ Conference to be held in a more central location, such as Long Branch, held Monday through Wednesday and offering 2 full CEUs in each discipline. I would NOT book a room, I would commute each day.	14%	50 votes
I would support the Annual MCANJ Conference to remain in Atlantic City with time frame of Sunday through Wednesday similar to the 2016 Conference.	5%	20 votes
I would support the Annual MCANJ Conference to remain in Atlantic City, but change the time frame to Monday through Wednesday.	38%	140 votes
- Thank you for submitting your answer to this poll on 05/09/2016. We look forward to	you participating in our future p	oolls.
	Total: 3	64 votes

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Pam Borek, Hillsborough

PEOPLE PAGE

CONGRATULATIONS

IIMC PRESIDENT

During the 70th Annual IIMC Conference Vinny Buttiglieri, Ocean Township, Ocean County, was given the Presidential Oath of Office by Christina Wilder, retired, Hamilton Township, Mercer County. Vinny thanked everyone for their

support and friendship adding that "it's a tremendous honor to represent our 10,000 plus members in this capacity." Congratulations, Vinny, we are so proud of you and know that you will do a wonderful job! See page11 for pictures

RETIREMENTS

Joan Anderson retired from her position as Township Clerk of the Township of Hamilton (Atlantic County) April 1, 2016 after 39 years as Township Clerk with a total of 46½ years as a Township employee. Joan is the last of the elected Municipal Clerks to retire.

Mike Januszka, Milltown Borough Clerk (Middlesex County) retired February 29, 2016.

Hunterdon County clerks, Rose Sollena (left), Township of Raritan retiring after 29 years and (right) Judy Allen, Township of Delaware retiring after 35 years (Planning Board Administrative Officer since 1981 (35 years) and Township Clerk since 1992 (24 years). Raritan Township will welcome the new clerk, Bill Bray and Delaware welcomes Jodi McKinney as their new clerk.

Best of luck to everyone! Congratulations and best wishes for a long and happy retirement!

TRANSITIONS

As reported in the April Quill, Michele Reilly was appointed Township Clerk in Jefferson Township (Morris County). To the left is a picture of her being sworn into office while Mary O'Keefe (Borough Clerk, Borough of Butler, Morris County) held the Bible.

Hector Herrera, formerly the Borough Administrator/Clerk for the Borough of Peapack/Gladstone (Somerset County) has been appointed Borough Administrator for the Borough of Bound Brook (Somerset County).

John Gregory, formerly the Borough Administrator/Clerk for the Borough of High Bridge (Hunterdon County) has been appointed Borough Administrator/Clerk for the Borough of Peapack/Gladstone (Somerset County).

Gabriella Siboni was appointed Borough Clerk in Milltown (Middlesex County).

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





Michele Reilly , Jefferson Township

PEOPLE PAGE

BIRTHDAY WISHES!

On April 20th 2016 75 friends and family members came together to celebrate Janet Hirshblonds 90th Birthday. MCANJ Executive Director Manuel Hirshblond was able to pull off a "Surprise" Party for his lovely Wife (how we will never know) at Serenity Cafe in Toms River. Mrs. H is a HUGE Mets fan so that became the theme for the party. We all sang a special song for Mrs. H, a very special version of Take Me Out to the Ball Game highlighting her beloved Mets. She capped the evening off with a brief thank you to all acknowledged her tremendous surprise at the event, wondering how Mr. H, was able to pull it off, then quickly added, "Now let's go home I have a Mets game to watch"...Happy 90th Mrs. Janet Hirshblond!

OH BABY!

Congratulations to Sheila L. Oberly, Oxford Township (Warren County) on the birth of her third grandchild, a grandson, Joshua Robert Oberly, Jr. Joshua was anxious to join the family and was born two months early on March 23, weighing in at 3lbs, 12 oz but is doing awesome; growing bigger and stronger every day.



Congratulations are also sent to Pat O'Connor, Borough Clerk of South River (Middlesex County) who is a grandmother for the first time! Charles (Charlie) Matthew Hiott was born on April 30, 2016.



Joshua Robert Oberly, Jr.

Pat and Matthew

COUNTY NEWS

Somerset County:

The Municipal Clerks' Association of Somerset County President Ann Marie McCarthy and Sharon Brienza present incoming President Denise Szabo with a gift on behalf of the Association after Denise was sworn in as President of the MCANJ. Denise is the third MCANJ President from Somerset County and the second from Bernards Township.



PEOPLE PAGE

Gloucester County:

The Municipal Clerks' Association of Gloucester County held their Annual meeting with the Mayors of Gloucester County on May 31, 2016 at the Lake House in Newfield, NJ. They hold this every year to inform their Mayors of the importance of the Municipal Clerks duties.



CONDOLENCES

On behalf of the entire MCANJ family, our thoughts and prayers are with the family of Jim Doherty who we lost April 3, 2016. Please see more on page 8

Those of us in attendance at the MCANJ Conference in April were saddened to learn of the passing of our friend Terry Tighe, retired, Sea Isle City (Cape May County). Terry passed away on March 17, 2016. Terry was an integral part of Fall Conferences (when we used to have two conferences a year) that she Co-Chaired with Angie Pileggi (deceased) for many years. Over the last few years, Terry was also part of the registration team at our Annual Conferences. Our thoughts and prayers are with Terry's family.

Kathleen "Kaye" LaVecchia, former Municipal Clerk Borough of Lavallette (20 yrs.), (Ocean County) passed away on June 1, 2016. Kaye served as President of O.C.M.C.A, a member of IIMC, member of NJ Registrars Assoc., and O.C. Municipal Joint Insurance Fund. Kaye was a great friend to our County Association Members.

Editor's note: As this is my last "People Page," I want everyone to know that working on the "People Page" was something I had the most fun with while serving this wonderful organization. I remember the day 2007 in-coming President Barbara Hawk asked me if I would like to take this on and I, of course, said yes. I looked back at the first article I wrote for the April, 2007 issue and saw that it was an article about Joe Favaro's retirement party. I cannot believe it was that long ago and I thank Barbara for initially appointing me and to all the Presidents who reappointed me after that.

Through these years, I have laughed and cried with you; I have congratulated you and sent you condolences; I have shared your successes, both professionally and personally. I have seen your children get married and have their own families, making many of you very proud grandparents for the first time! I have seen some of your children grow up and be signed to major sports teams or even followed in your footsteps. I have listened to your stories and included some of them in the People Page much to your surprise. I have received notes, emails and telephone calls thanking me for including something.

The People Page was a labor of love for me and I will miss writing it. I wish my successor, Pam Borek (Hillsborough Township, Somerset County) the best and hope she will enjoy writing it and getting to know all of you the way I did.

If anyone is in the Bethany Beach, DE area, you better look me up!!

Sincerely, Sharon Brienza

MCANJ MEMBERSHIP REPORT as of June 13, 2016

<u>County</u>	Total # Municipalities	# of Municipalities Paid	% Paid
Atlantic	23	21	91%
Bergen	70	60	86%
Burlington	40	33	83%
Camden	37	25	68%
Cape May	16	12	75%
Cumberland	14	9	64%
Essex	22	20	91%
Gloucester	24	20	83%
Hudson	12	7	58%
Hunterdon	26	26	100%
Mercer	13	10	77%
Middlesex	25	24	96%
Monmouth	53	47	89%
Morris	39	33	85%
Ocean	33	26	79%
Passaic	16	14	88%
Salem	15	11	73%
Somerset	21	17	81%

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 6/13/2016				
Full —Municipal Clerk	473			
Full—Acting Municipal Clerk	10			
Full —Clerk of Freeholder Board	2			
Full—County Clerk	2			
Associate —Assistant Municipal Clerk	19			
Associate—Deputy Municipal Clerk	191			
Associate—Deputy County Clerk	5			
Honorary Membership (Retired)	54			
Affiliate—All Other Members	<u>34</u>			
Total:	790			
Respectfully Submitted, Kevin Galland MCANJ Treasurer				

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC. EXECUTIVE BOARD 2016-2017



Denise Szabo Incoming President Bernards Twp



Dina Zawadski 1st Vice President Deptford Twp



Kevin Galland 2nd Vice President Woodland Park



Diane Pflugfelder Treasurer Liberty Township



Eileen Gore Secretary Hamilton Twp



Keith Kazmark Outgoing President Elmwood Park



Joel Popkin Executive Director



Denise Szabo, Dina Zawadski, Eileen Gore, Diane Pflugfelder, Keith Kazmark, and Kevin Galland

MUNICIPAL CLERKS ASSOCIATION OF NEW JERSEY, INC. 2016 –2017 COMMITTEE ROSTER

*denotes Chair or Co-Chair

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Mailander	Heather	Ridgewood	201 670 5500 x201	hmailander@ridgewoodnj.net
Cosnoski	Amy	Pemberton	609 560 1065	acosnoski@pemberton-twp.com
Bennett	Deanna	Haddonfield	856 429 4700 x204	dbennett@haddonfield-nj.gov
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Cali	Doreen	Roselle Park	980 245 6222 x1002	dcali@rosellepark.net
Smith	Kelley	Harmony	908 213 1600 x10	harmonyclerk@ptd.net
	,	,		
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Wiener	Harold	Irvington	973 399 8111	hwiener@irvingtonnj.org
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Frontino	Pat	Glassboro	856 881 9230 x88116	pfrontino@glassboro.org
Jasko	Elaine	Perth Amboy	732 826 0290	ejasko@perthamboynj.org
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MUNICIPAL CLERKS ASSOCIATION OF NEW JERSEY, INC. 2016 –2016 COMMITTEE ROSTER

*denotes Chair of Co-Chair

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DEADLINES FOR NEWSLETTER ITEMS

The deadline for People Page submissions for the October 2016 issue is September 6, 2016. Please send People Page news to:

Pam Borek, Municipal Clerk, Hillsborough Twp,

379 South Branch Road. Hillsborough, NJ 08844

or via Email at pborek@hillsborough-nj.org

The General News Articles deadline is September 13, 2016, and may be sent to:

Joseph Kostecki, Borough of South Toms River, 19 Double Trouble Rd, 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.

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

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