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**MCANJ President Dina L. Zawadski's Message to our members:**



President's Message FY2017-2018 by MCANJ President, Dina L. Zawadski,  
Deptford Township Municipal Clerk, RMC/CMC

Welcome to the Quill. I hope everyone had a wonderful summer. It's the end of the summer and we're entering autumn which is an exciting change. As we make this transition, Municipal Clerk's must also adapt to change especially in our profession.

We all have experienced change when we encountered the OPRA/OPMA Law (S1045- S1046). This was, and is still a very important discussion we need to continue, with all Municipal Clerks. In June, I had the privilege along with Past President, Denise Szabo, and Daniel Davidow Esq., Parker McCay, our solicitor's representative, to go to the State House and meet with Senator Weinberg and Senate President, Stephen Sweeney, along with Staff officials to disclose our concerns with the amendments to these bills. The main concern that we have with these bills is that they are unconstitutional as they impose costs on municipalities without pending any funding mechanism. As I always say the more voices that are heard on these amendments the better chance we have in making change. These amendments not only will affect Municipal Clerks but also municipal government operations. We ask you to send your Resolutions opposing this bill in its current form adopted by your Governing Body, to Senators and Legislators, and please copy me. Together, I believe we will eventually make a change; one that will be beneficial for us as Municipal Clerks.

As soon as I was sworn in as President for MCANJ, I made it my mission to try to get more of our members involved in our association. I firmly believe that with new participants sharing their ideas and suggestions, our association can only get better. It's always good to have a diverse outlook on various topics.

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**A Day in the Life of a Municipal Clerk**

**When You Start to Lose Your Mind**

*By Michele Lynn Seigfried*



Do you ever feel like you are losing your mind? 20 years ago, I could remember everything! Now the hypochondriac in me sometimes thinks I should go for a head exam.

For the past year, I've been calling one of our police officers George. One day, he advised me his name was Greg, not George. I wanted to crawl into a hole and hide. Most of the time, I see officers when I swear them in, and then don't see them again for years since they work in a different building. But, I still wonder if I'm losing my mind.

I was recently having dinner with my husband and daughter, when one of our police officers walked into the restaurant with his family. Having already made a name mistake this week, I said hello and I introduced my family quickly, hoping he wouldn't realize I hadn't said his name (which I thought was Mike). I mentioned how the officer was the first officer I swore in, that we started working for the town at nearly the same time. The next day, the real Mike walked into my office and it hit me that the man at the restaurant was not the man I was thinking of. I thanked the stars that I hadn't called him by name and decided to buy some ginkgo biloba to see if that would help my memory.

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## MESSAGE FROM PRESIDENT (CONT'D)

In August, there was a meeting, which included the Education Committee, and Manual Review Committee Chair, Deanna Bennett the Municipal Clerk of Haddonfield, Laura Flagg from Rutgers, Executive Director Joel Popkin, Sharon Young the Municipal Clerk of West Windsor Township, Nancy Saffos the Municipal Clerk of Cherry Hill, Patricia Frontino the Municipal Clerk of Glassboro, Kim Marie White the Municipal Clerk of Eastampton Township and Secretary of MCANJ, Jennica Bileci the Administrator and Municipal Clerk for Mantua Twp., Amy Antonides the Municipal Clerk for the Borough of South Plainfield, Heidi Brunt the Municipal Clerk of Middletown and IIMC Region II Director, Elaine Jasko the Municipal Clerk from Perth Amboy, and Shannon Hudak from DLGS. We reviewed the April 2017 Exam and discussed questions for clarity and accuracy. Enrollment numbers have increased to 55, with a passing rate of over 67%. This year's Fall Semester for Registered Municipal Clerk's Certification, the new chapter for Information/Records Management will be rolled out in this class. The online course will be developed over the next few months and rolled out during the Spring 2018 semester. Currently the course is 18 hours, but we will extend the course to 21 hours for spring 2018. It has been determined that this is not enough time to cover all of the new content. Starting in spring 2018, the class will meet 3.5 days.

Department of Local Government Service has also sent out notifications of amendments to N.J.A.C. 5:30-18.1 et seq. N.J.A.C. 5:32-5.1 et seq. and N.J.A.C 5:35-2.1 et seq., which the MCANJ has responded too. We have had our solicitor draft a letter with our concerns regarding these amendments and how it would affect us. Many clerks have questioned if we would be responding, and yes you can view our response in this newsletter and on our website [www.njclerks.org](http://www.njclerks.org). We certainly will continue to stay on top of things and express our concerns for our profession.

This is also a time of inclement weather, as the recovery process begins for the destruction from Hurricane Harvey in Texas and on the Gulf Coast, and now Hurricane Irma in Florida. These natural disasters are a reminder for all of us to be prepared for any emergency or event that Mother Nature hits us with. Our thoughts and prayers are with our municipal colleagues and all the residents of these terrible disasters. Unfortunately, some of us were affected by Super Storm Sandy and are still experiencing repercussions from the storm. The Division of Local Government Service has posted a Local Finance Notice 2017-18 to serve to advise New Jersey local government that may be seeking ways to support disaster relief efforts, providing information on how money, resources and time can be donated through trusted and reputable organizations. I may also suggest this is a good time to make sure your records are kept in a safe and secure facility.



In a couple of months we will be working the General Election, which is on Tuesday, November 7, 2017. As a reminder, it is also critical to have an emergency plan in place should anything arise out of the ordinary on Election Day. Deptford Township was one of the first towns in Gloucester County, NJ to implement an Emergency Evacuation Plan for our polling locations on Election Day. This was done in 2006. We coordinated this through the County Board of Elections, Emergency Management Coordinator and our Police Department. In today's time it's better to be safe than sorry. Although it was sad that we had to evacuate on Election Day, this plan was extremely effective. I wish you all a safe Election Day.

Additionally, the New Jersey League of Municipalities is coming up on November 14 thru November 16th. This is also a great way to get CEU's and network at the same time. It's valuable to tour the Atlantic City Convention Center to see what the vendors may have to help you become more productive and efficient in your position. As you know, our job involves multi-tasking every day and every little bit helps. There will also be sessions to attend so you can gather updated information. Our First Vice President, Kevin Galland has coordinated some sessions at the NJLM which are as follows:

- **Legislative Update - Tuesday, November 14, 2017 at 10:00 AM Room 402,**

- Atlantic City Convention Center**

- Speaking: Keith A. Bonchi, Esq. Goldenber, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill: TCTANJ Legal Counsel  
Lori Buckelew, Senior legislative Analyst, NJLM

- Bonnie Fleming, CTC/CMF, TCTANJ Legislative Chairperson

- Kim Marie White, RMC, Township Clerk/ Deputy Twp. Manager, Eastampton Twp.

- Martin W. Lynch, President AMANJ

Continued on next page

## MESSAGE FROM PRESIDENT (CONT'D)

- **Election Law Update -Tuesday, November 14, 2017 @ 2:00 PM Room 409**  
**Atlantic City Convention Center**  
Speaking: Kristin Corrado, Passaic County Clerk  
Robert Giles, Director, NJ Division of Elections  
Mary Nelfi, Hunterdon County Clerk
- **OPRA and the Press – Wednesday, November 15, 2017 @ 9:00 AM**  
**Room 414, Atlantic City Convention Center**  
Speaking: Marc Pfeiffer, Assistant Director, Bloustein Local Government Research Center, Rutgers  
Denise Szabo, RMC/MMC, Municipal Clerk Bernards Township; Immediate Past President, MCANJ  
Sean Sullivan, New Jersey Advance Media  
CJ Griffin, Pashman Stein Walder Hayden P.C.  
Michael Herbert, Parker McCay P. A.
- **Games of Chance Licensing- Wednesday, November 15, 2017 @ 2:00 PM Room 414,**  
**Atlantic City Convention Center**  
Speaking: Bruce Hurlburt, Investigator, Legalized Games of Chance Control Commission

Please remember you can view these sessions on the NJLM website at [www.njslom.org](http://www.njslom.org).

We have 602 members who have already registered for MCANJ. This is outstanding! Please remember to not only register, but to make sure your payment is submitted by the deadline.

Education certainly plays an essential part of our profession. So with that in mind, we are encouraging clerk's to take advantage of our MCANJ Scholarship Programs we have available. There are some municipalities that may not financially support, or cannot help fund these courses.

Regular and Associate Members of MCANJ continuing their pursuits of RMC, CMC, and MMC certifications are eligible for Scholarships. Please submit your MCANJ Scholarship Application to the Scholarship Committee Chair, Rayna Harris via email to [rharris@cityofrahway.com](mailto:rharris@cityofrahway.com). The MCANJ Scholarship Committee will review the applications based on the following criteria:

### Type    Priority Consideration for Award

- |     |   |
|-----|---|
| RMC | 1. MCANJ members currently taking RMC classes at their own expense.<br>2. MCANJ members currently taking RMC classes at their employer's expense.   |
| CMC | 1. RMC-MCANJ members currently taking CMC classes at their own expense.<br>2. RMC-MCANJ members currently taking CMC classes at their employer's expense.<br>3. Non-RMC – MCANJ members   |
| MMC | 1. RMC- MCANJ members currently taking MMC classes at their own expense.<br>2. RMC- MCANJ members currently taking MMC classes at their employer's expense.<br>3. Non-RMC- MCANJ members. |

Scholars will be awarded at the Annual Conference. Scholarships awarded during one fiscal year may be carried over until the end of the succeeding fiscal year.

MCANJ is also offering a Need Based Scholarship. MCANJ is offering six (6) conference scholarships to current members of the MCANJ, based on selected criteria that would promote interest by those members who have not attended prior conferences, or have attended at their own expense. The Scholarship covers the cost of the conference. All ancillary costs including hotel and travel are not covered by the scholarship and are the responsibility of the scholarship recipient.

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## MESSAGE FROM PRESIDENT (CONT'D)

Priority Consideration for Award:

1. RMCs who have never previously attended an MCANJ Conference.
2. RMCs who have previously attended an MCANJ Education Conference at their own expense.
3. Non RMCs who have never previously attended an MCANJ Education Conference and are in the process of taking classes. Must have successfully completed at least 3 of the 5.
4. Non RMCs who have previously attended an MCANJ Education Conference at their own expense and are in the process of taking classes. Must have successfully completed at least 3 of the 5.
5. RMCs who have previously attended an MCANJ Education Conference at their employer's expense.
6. Non RMCCs who have previously attended an MCANJ Education Conference at their employer's expense.

Reminder the deadline to receive applications is January 15, 2018.

Our Legal Defense Fund is going well. A friendly reminder to please not only register but please make sure your payment is received by November 1, 2017. With registering online we sometimes forget to submit the payment.

The newly Elected Official Seminar by NJLM is going to be held on:

- January 6, 2018 at the Hilton Meadowland Hotel in East Rutherford, NJ  
Speaker: Denise Szabo, Immediate Past President and Municipal Clerk of Bernards Township.
- January 20, 2018 at the Hotel ML in Mt. Laurel, NJ  
Speaker: Dina L. Zawadski, MCANJ President, Deptford Township Municipal Clerk

This session is very educational for all newly elected officials to learn what government is all about. There are usually a large number of attendees. If you know of anyone who has recently been elected certainly encourage them to attend. It's a wealth of knowledge they will gain.



Our Education Conference Committee has met and we are extremely busy setting up for next year's conference. Yes! We are proud to say we have confirmed our venue along with the dates. We will be holding our 2018 FY MCANJ Conference May 2 thru May 4, 2018 at Caesars Casino Palace in Atlantic City, New Jersey. While we were setting the date there are many options we took into consideration. One was the Election dates, holidays and of course a venue which would hold over a couple hundred of rooms. We also took into consideration Clerk's that just renewed their certifications in April, that they have the opportunity to attend and use these credits to apply to their upcoming renewal certification. With all of this in mind we believe we set the best date possible and the venue. Our logo FY 2018 will be "Shore to Catch the Educational Wave."

I'll end on this quote from Helen Keller "Alone we can do so little, together we can do so much!"

Dina L. Zawadski, RMC/CMC  
MCANJ President

### Healthy Tips

There's a new research study found that "Sitting is the New Smoking".

As Municipal Clerks, our job requires sitting at our desks large parts of the day. Actually, as a society after work we get in our vehicle, where we sit to drive home and when we arrive at home we sit to eat dinner and then sit on the couch to watch the television.

This lifestyle is very difficult to overcome because of these activities involve sitting. We, as humans are not biologically designed for this lifestyle. We require mobility to stay healthy. To maintain a healthier lifestyle try taking more walks during the day, taking the stairs instead of the elevator or taking a walk at home instead of watching television. This simple change can get you started onto better health and fitness. Go! Go! Clerks!

## **FREE SPEECH vs DISRUPTION AT COUNCIL MEETINGS (or please speak softly and leave the big stick at home)**

**By Richard A. Lustgarten, Esq.**

In a previous article I discussed the limits of “free” speech in a work setting both private and governmental. This article addresses the limits on speech and elected officials’ reactions to public comment.

It has been written over and over again that freedom of speech is a cherished value and ranks extremely high in essential rights of a democratic society. As we know, the First Amendment to the U.S. Constitution (which was adopted in 1791) indicates that Congress shall make law no abridging the freedom of speech. The corresponding clause appears in New Jersey’s Constitution which was adopted in 1947. Under the Rights and Privileges section (Article I, Paragraph 6) “Every person may speak freely, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press.”

Paragraph 18 of Article I sets forth the right of the people to assemble, consult for the common good, make known their opinions to their representatives and petition for a redress of grievances.

Despite the fairly absolutist language set forth above, freedom of speech was never categorized as such in practice and custom. Over time, exceptions to this “absolutism” were engrafted by statute or case law.

In no particular order of magnitude, the following are the primary exceptions to an expansive reading of free speech rights and are unprotected.

1. Advocacy of the use of force if it is directed to inciting imminent unlawful activity. This test effectively amended a prior standard that the speech was not protected if it presented a clear and present danger in the context in which it was made.
2. Libel and slander (false statement of facts—although a more stringent standard for public officials and figures as opposed to private citizens).
3. Obscenity (“can’t define it but I know it when I see it” ???.)
4. Child pornography
5. Threats of violence to do immediate bodily harm (context clearly matters for its application)
6. Violation of copyrights or trademarks
7. Commercial speech (limitations may be greater)
8. Perjury, blackmail, solicitations to commit penal offenses.

As you can see, these exceptions cover a wide range of topics and the limitations on speech are significant, but clearly have been adopted and accepted to preserve other social values.

Nevertheless, political speech still retains its exalted status and is given the highest respect of protection but not without some limitation. The U.S. Supreme Court has adopted what is called the “time, place and manner” test to see if governmental restrictions on speech are reasonable and sustainable. For example, we may have the right to protest the government, but if we unreasonably block vehicular or pedestrian traffic in so doing, government regulations that do not unduly burden the right of protest, but are designed so that unobstructed passage can be preserved, will usually be sustained.

It is also clear that governmental restrictions under the time, place and manner rule must be content neutral. That is to say, that a limitation on speech must treat all opinions with equal status and government cannot merely allow content that it likes while eliminating that which it doesn’t.

Using the aforesaid standard, Municipal Council meetings may reasonably restrict the amount of time one speaker may address the Council and the total time for public comment, adopt reasonable rules of decorum that do not unduly restrict the subject matter of the speaker. Usually the content should relate to some municipal matter. I know some towns want to limit public comment to items on the meeting agenda but I question whether such restriction is too broad. Comments on any subject relating to municipal affairs I think is fair game under the “redress of grievances” allowance in our state constitution. (continued on next page)

(continued) Obviously if someone wants to give a movie review or talk on something equally far a field, those comments have no relevance to public business and may be restricted ( although comments about a political or governmental movie to make a point may be acceptable . Think “All the President’s Men”, and the “Frost/Nixon” interview.)

A time restriction of say five minutes per speaker probably prevents severe digression. Other commentators have written on whether a Council can limit public comment to residents only, can prohibit attacks on public officials or employees, can limit comments relating to elections or prohibit comments on closed session items. Our New Jersey statute under OPMA is quite expansive.

NJSA 10:4-12a States “Nothing in this act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation of the public at any meeting, except that a municipal governing body and a board of education shall be required to set aside a portion of every meeting.....the length of the portion to be determined by.....for public comment on any governmental or school district issue that a member of the public feels may be of concern to the residents of the municipality or school district.”

Thus the statute gives broad discretion to the Council to control the meeting but also gives a broad mandate to speakers to determine the topic of conversation. Note that the statute indicates that the “public” has the discretion to decide what is relevant. The language is too open-ended for it permits comments on what the public feels is important rather than emphasizing that the comments should objectively relate to the public business of the municipality.

The question of major concern at meetings of course, is when does speech cross –over some imaginary line from being merely offensive to disruptive. There are many national cases on this subject and my preliminary comment is that Mayors and Councilmembers need to be fairly thick skinned. You’re not like a baseball umpire who has broad discretion to “toss” the miscreant player. ( I added that since this is the height of the season leading up to the World Series and its intensity has resulted in players and managers getting bounced. My bad.)

A leading authority in N.J. was decided seven years ago. (Besler v Bd. of Ed. 201 NJ 544 (2010)) The New Jersey Supreme Court reviewed a case involving an individual who was ruled out of order at a Board meeting and who then sued for an alleged violation of his Civil Rights. There were other issues in the case so a recitation of the facts will not be presented, but I want to refer you to the summary of First Amendment rights utilized by the Court. (Please note that in dicta the Court referenced a Federal case from Florida involving a speaker deviating from the agenda and seem to infer that the public body could prohibit that deviation. However, no analysis occurred relating to the broad based language of OPMA so I stick with my opinion that limiting public comment only to agenda items is constitutionally suspect.)

The Court’s restatement summary of First Amendment law is as follows ( without citation).

The First Amendment gives people the right to express disagreement with government policy on the national, state or local level. Expression on public issues has always rested on the highest rung of the hierarchy of First Amendment values. Our free society must give breathing room for an uninhibited and robust discussion of public issues even when it includes vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials. One of the core principles of the Amendment is to protect speech on matters of public interest including speech that the government finds offensive.

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## THE QUILL

Freedom of speech does not just protect speech that is found agreeable but also includes speech that we hate. However, the right to free speech is not absolute and a governmental entity can impose reasonable time, place and manner restrictions so long as they are tailored to a legitimate governmental interest and that they leave open alternate channels of communication.

Significantly, once a governmental agency opens its forum for public discussion, it is prohibited from allowing only “favorable” comments, that is, those comments which are agreeable to the public body and disallowing those which are not. Restrictions must be content neutral and the public body must listen to the criticisms and well as the kudos.

Consequently, the Court was acknowledging that a public body could disallow irrelevant or repetitious comments. It could prevent a speaker from badgering or constantly interrupting the Chairperson. Nevertheless, the “rules” of the meeting must be fairly and equally applied. If there is a time limitation, restricting a speaker’s time of one who is negative to the forum’s position, yet allowing a “pro” speaker to exceed the limit, is a no-no. The Chair should also be sympathetic to the difference between offensive or obnoxious speech, and that which is truly disruptive. A dictionary and common sense definition of “disruptive” is that action which interrupts or unduly interferes with an activity, event or process.

In my opinion threats, improper repetition, speaking out of order, exceeding understood time limits, speaking from other than the designated podium, making improper noises in a manner that interferes with the public’s business are disruptive.

Speaking in a loud voice, speaking disrespectfully, verbally attacking the positions of the Council, employees or appointed officials, is not. In plain English, if someone is just being a “jerk”, but is not disruptive, it is a small price to pay for Democracy.

Racial, ethnic or religious slurs, or comments relating to them are most likely protected speech so long as they are not in one of the unprotected categories. I do think a proper response to them should be made by the Chair of the meeting so that the Council’s silence will not be deemed agreement or acquiescence to the comments. Suppressing the comments entirely is problematic legally, in my opinion. A response statement should be made after the speaker’s time is up. Remember, public comment time is for the public to speak. It is not a time to debate, nor does it require a response by the Council in every instance. Under no circumstances should the Council itself breach proper decorum by loud or offensive retorts.

I find the regulation of profanity to be a mixed bag. If it is a casual word here or there it should probably be ignored. If it is incessant, I believe it is disruptive because it is not socially acceptable, attacks the decorum and dignity of the proceeding, and may act as a deterrent to others who wish to listen to the proceedings but do not wish to be subjected to vile language. This would be especially true if minors were attending the meeting. I don’t believe there is a bright line rule and profanity must be addressed on a case by case basis. The First Amendment is very powerful and may even insulate profane statements, but on the other hand profanity may not be protected in the context of a public meeting as it does not substantially move forward or enhance the public discourse.

Finally, the ability of a public official or public figure to win a libel or slander suit is extremely difficult. While comments at a public meeting, letters to the editor, or elsewhere may test the patience of even the most calm public official, he or she can only win the case based on standards established by the U.S. Supreme Court in 1964, over fifty years ago. To sustain a lawsuit, the public official/figure must prove that the statement was made with actual malice. Legal malice means that the statement is false, and the maker of the statement knew that it was false or acted in reckless disregard of its truth or falsity. Obviously, the application of this rule is very fact sensitive.

Many years ago another public attorney and I were subjected to a newspaper article that was factually and demonstrably false. The article was referenced when I was being interviewed for another Borough Attorney position.. After proving the article false, I received the appointment and thus suffered no economic damage. The article was also referenced by another client but equally disregarded. My initial reaction was to proceed against the reporter but I didn’t think I could prove the “reckless disregard for the truth” so I chalked it off as sloppy journalism. All of us do not appreciate being attacked with respect to our professionalism but it goes along with the job. I remembered what Louis Nizer, a stellar attorney in the 20<sup>th</sup> century, once said about libel and slander. It’s like mud. When you first get it on you the initial instinct is to try and quickly rub it off which merely spreads it around and embeds it further in your clothes. If you wait a few days it turns to dust and you can just flick it away. It’s a good thing to remember when someone attacks your character, integrity or work ethic. People who know you won’t believe it and people you don’t know probably don’t care.

Happy fall. Do something you love out of the office. (With someone you love.)

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“Speak when you are angry-and you’ll make the best speech you’ll ever regret.” (Lawrence J. Peter)



## THE QUILL

### A Day in the Life of a Municipal Clerk

#### When You Start to Lose Your Mind

(Continued from Page 1)

*By Michele Lynn Seigfried*

The gingko turned out to be a disappointment. The following week I was presented with a new problem. An employee asked me how to add alternates to the environmental commission. We never had alternates on the commission. I quickly checked our code book and then checked the state statutes. I informed the employee that we needed to amend our ordinances to include the language for alternates because it was missing. She then asked the attorneys to write an ordinance. A day later, the employee provided me with a copy from our code book, and informed me that no ordinance was needed because it was already in the book. I thought, "Gee, how did I miss that?" I'm normally pretty good with law research. I made an appointment with a doctor, because I was convinced. I was losing my mind.

I ate breakfast the next morning and returned the cereal to the fridge and the milk to the cabinet. My husband confirmed that there was something wrong and said it was a good thing I made that appointment with the doctor.

Later, I was vacuuming the house. I stopped the vacuum to pick some items off the floor to vacuum under them. I turned to get the vacuum and couldn't find it. I cursed in my head and thought, what is wrong with me? How could I lose the vacuum? Until I realized my husband had put the vacuum away. My annoyance turned to him. "Could you wait until I'm done vacuuming before you put it away?" Maybe I'm not so crazy after all.

The following day, I returned to work to find the Mayor made alternate appointments to the environmental commission. I didn't know the term expiration dates, so I pulled up the code book on my desktop and searched for the ordinance to find out. I read it over and over again. There was no reference to alternates. Was I right the first time I looked it up after all? Did the other employee have it wrong? I quickly found the copy of the code book the employee showed me. Sure enough, her copy had the information about alternates. Was I losing my eyesight as well as my mind? I compared the ordinances side by side. The ordinance I was looking at was section 2-60. The ordinance she had was section 9-6. The environmental commission was in our code book twice. A major relief! I cancelled the doctor's appointment. I haven't lost my mind yet, just some of my memory. And I'm still terrible with names. Which I guess is normal at my age.

## PEOPLE PAGE

SEPTEMBER 2017



The People Page is an opportunity for the members of our association to celebrate each other's achievements both professionally and personally, as well as to share our condolences during times of sorrow. Additionally, when we as clerks have an opportunity to participate in community events that are afforded to us as a result of our position, it is another example of something to share on the People's Page. Please feel free to share. Send your submissions to [pborek@hillsborough-nj.org](mailto:pborek@hillsborough-nj.org), along with a picture and caption to be included in future editions of the Quill.

### CONGRATULATIONS

#### Monmouth County:

**Heidi Brunt, CMC, Township of Middletown, New Jersey named IIMC Region II Director 2017.**

**Congratulations Heidi!!!**

Get to know Heidi....

Heidi Brunt has been a Municipal Clerk for 13 years in Middletown, NJ a municipality in central New Jersey settled in 1664 encompassing 42 square miles of coastal bay-shore neighborhoods and riverfront properties with 68,000 residents. She currently serves as a member of the Middletown Historic Preservation Committee, Municipal Alliance Against Drug and Alcohol Abuse, and was an active participant in the Middletown 350 Anniversary Celebration Committee. As a member of the IIMC since 2004, Heidi received her CMC designation in 2009 and has attended many local IIMC Institutes given by Rutgers the State University.

Continued on the next page

## PEOPLE PAGE



Heidi has become an avid supporter of professionalism and education for the position. Municipal Clerks are the gateway between the community and their local government. Heidi's continued commitment to demonstrating professionalism and integrity is a top priority in her position as Municipal Clerk, her family life, and now when serving as the IIMC Region II Director.

Again, on behalf of your fellow clerks of the Municipal Clerks Association of New Jersey – Congratulations Heidi!

### RETIREMENTS

#### Bergen County:

After 23 years as an employee of Hasbrouck Heights, 18 as its Borough Clerk, Rose Marie Sees retired in July. Congratulations Rose Marie!

In retirement, Rose Marie plans to spend with her husband Edward, and her children, Edward, Phyllis and Christian as well as her grandchildren, Brian, Brendan, Allison, Thomas, Robert, Kirsten, Isabel, John and Griffin. She also wants to do things with her many friends.

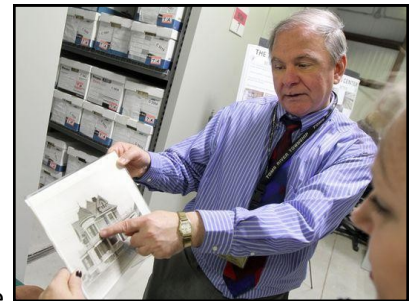


#### Ocean County:

J. Mark Mutter, retires after 12 years of service to Toms River. Congratulations!

J. Mark Mutter not only was the Clerk for 12 years, but he also served on the Township Committee from 1993 to 2001 and held the position of Mayor twice. He is also the township's historian

According to Mutter, his legacy would be the preservation of the things that make Toms River great: history, memories, people, and open space. Additionally, The J. Mark Mutter Records Center holds decades of documents was named in his honor for his dedication to the preservation of Toms River's documents.



#### Morris County:

Trudy Atkinson, Montville Township's municipal clerk, retires after 24 years of service. Congratulations Trudy!



Trudy had the pleasure to have served under nine mayors and five administrators, as she was originally the assistant municipal clerk in 1998 and appointed to the clerk position in 1999.

As mentioned in the last edition of the Quill, congratulations to Leena Abaza on her appointment to the Montville municipal clerk position.

## PEOPLE PAGE

### Somerset County:



Sandra Jones, Borough Clerk of Bernardsville, retires after 27 years of service. Congratulations Sandy!

During her service, Sandy had the opportunity to serve 7 Mayors and 34 Council members.

**CONGRATULATIONS AND BEST WISHES TO ALL OF THE RECENT RETIREES!**

---

### TRANSITIONS

### Bergen County:

Laurie Varga was appointed on August 1<sup>st</sup> to serve as the Clerk for Hasbrouck Heights. Congratulations Laurie on your appointment!

### Ocean County:

Alison Carlisle, Deputy Clerk in Toms River, was recently appointed as Clerk upon J. Mark Mutter's retirement. She has served as Deputy for the past 8 years. Congratulations Alison on your promotion!

Upon Alison Carlisle's appointment to Clerk, Destiny Reynolds was appointed Deputy Clerk in Toms River. Congratulations Destiny!

### Somerset County:

Anthony Suriano, a municipal employee for more than 20 years, was formally appointed acting borough clerk by the Bernardsville Borough Council in August.

Suriano succeeds retiring Sandra Jones. Along with Soriano's promotion, the Borough Council appointed Cindy Beringer to move up and fill the deputy clerk's position.

Congratulations to both Anthony and Cindy on your promotions!

Nancy Bretzger has been appointed as Municipal Clerk in Peapack Gladstone.



Nancy Bretzger



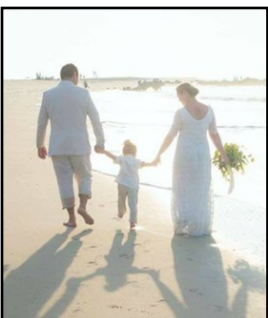
A Combination of Celebrations!

This was a celebration of a combination of things. A retirement for Roy Duffield, the Municipal Clerk of Woodbury NJ; newly appointed Clerk, Daneen Fuss, and a celebration of the incoming President, Dina L. Zawadski, RMC/CMC, Deptford Twp. Congrats all!

### **BEST WISHES IN YOUR NEW POSITIONS!**

### In Other News....

Congratulations to Hector and Carrie Herrera on their recent marriage at the beach. Hector is the Administrator of Bound Brook and the Treasurer to the Municipal Clerks Association of Somerset County.



Continued on page 20



### Just for Fun

Hillsborough Township Clerk Pam Borek joined members of Hillsborough Township Police Department as they participated in the 34th Annual Law Enforcement Torch Run back in June. The Hillsborough segment began at Dukes Parkway East with the hand-off from Somerville Police Department and made its way down Route 206 to ShopRite. Runners participated in 26 separate legs throughout the day starting at 4:45 a.m. and the run ended at the Special Olympics New Jersey summer games opening ceremony at The College of New Jersey.



### CONDOLENCES

The Municipal Clerks' Association of New Jersey offers the following condolences:

#### Ocean County

Margaret K. Heaney, 76, of Spring Lake, NJ, passed away on Monday May 1, 2017. Margaret received many citations and awards as the Registered Municipal Clerk of Bay Head, NJ, a leadership position she held for over twenty years. Margaret held strong to her Catholic faith for her entire life.

She was exceptionally generous. She was always eager to help family and friends. She supported dozens of charities and social justice causes. Margaret had a terrific sense of humor and a zest for life. She enjoyed playing bridge with friends. She loved watching sports, especially soccer. Margaret was an avid gardener.





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## Application for Secretary Candidacy

Article VI Section 1.1. of the current Constitution and Bylaws of the Municipal Clerks' Association of New Jersey, Inc., specifies, "Any individual seeking to be a candidate for Secretary must file with the Secretary not later than January 15th of the current year of the Annual Business 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 certification of Registered Municipal Clerk (RMC), and shall be actively employed as a Municipal Clerk."

For anyone seeking the position of Secretary on the Executive Board for the fiscal year 2018 - 2019, the following application must be filed by January 15, 2018 in order to be eligible for consideration by the membership at the Annual Meeting to be held during the Annual Education Conference in the spring. This position shall serve from July 1, 2018 through June 30, 2019. Applications must be received by January 15, 2018 and must be mailed to Kim-Marie White.

[CLICK HERE FOR THE APPLICATION.](#)

### CMC DESIGNATION !

I am pleased to inform you that as of today, the following individual has earned the prestigious Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC):

**Maureen L. Muttie, CMC - Borough Clerk - Borough of Tinton Falls, NJ.**

The CMC designation program is designed to enhance the job performance of the Clerk in small and large municipalities. To earn the CMC designation, a Municipal Clerk must attend extensive education programs. The designation also requires pertinent experience in a municipality. The program prepares the participants to meet the challenges of the complex role of the municipal clerks by providing them with quality education in partnership with 47 institutions of higher learning. The program has been in existence since 1970 and has helped thousands of clerks in various municipalities.

Congratulations Maureen !

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## THE QUILL

### Application for Candidacy MCANJ Secretary

Article VI Section 1.1. of the current Constitution and Bylaws of the Municipal Clerks' Association of New Jersey, Inc., specifies, "Any individual seeking to be a candidate for Secretary must file with the Secretary not later than January 15<sup>th</sup> of the current year of the Annual Business Meeting. No additional applications shall be accepted after this date."

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Name: \_\_\_\_\_

Address: \_\_\_\_\_

Municipality Employed by: \_\_\_\_\_

Position: \_\_\_\_\_

\*\* Date of Original Appointment: \_\_\_\_\_

\*\* Date(s) of Reappointment: \_\_\_\_\_

\*\* RMC Certificate Number: \_\_\_\_\_ Date Issued: \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I am actively employed by

\_\_\_\_\_ as a Municipal Clerk and am qualified to submit

(Municipality)

my name as a candidate for the office of Secretary of the MCANJ for fiscal year 2018 - 2019.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

APPLICATIONS MUST BE RECEIVED BY JANUARY 15, 2018

AND MUST BE MAILED TO:

Kim Marie White, c/o Township of Eastampton

12 Manor House Ct., Eastampton, NJ 08060

(609.594.4717) [secretary@njclerks.org](mailto:secretary@njclerks.org)

**Proposed Regulations N.J.A.C. 5:32-5.1 et seq., N.J.A.C. 5:35-2.1  
and N.J.A.C. 5:30-18**

**By**

**Daniel A. Davidow, Esquire  
PARKER McCAY**

The Department of Community Affairs, through the Division of Local Government Services, has proposed regulatory changes involving N.J.A.C. 5:32-5.1 et seq., N.J.A.C. 5:30-18, and N.J.A.C. 5:35-2.1.

The proposal concerning N.J.A.C. 5:35-2.1 would increase the administrative responsibilities with respect to financial disclosures. However, this proposed rule is a positive change for municipal clerks. The rule further defines which local government officers need to file the financial disclosures, which has been a confusing issue in the past.

The other proposed changes are noteworthy and problematic for Municipal Clerks and municipalities throughout the State. If the proposed change to N.J.A.C. 5:30-18 is adopted, whenever a local unit's governing body "proposed a resolution, or other action that will establish or modify the salaries, benefits, or other compensation of any individual employee or group of employees," a public meeting must first be held where the proposed action would be introduced and discussed by the governing body. At least 10 days prior to the meeting date, notice of the public meeting must appear in a newspaper with substantial circulation in the local unit. It sets forth requirements for the mandatory public meeting including advertising, notice publication, the opportunity for public comment on the proposed compensation measure. The CFO would have to prepare a "compensation disclosure form" and file with the clerk who must make it available to the public and the governing body. This proposal is burdensome, unnecessary, and possibly unconstitutional, as it could represent an unfunded mandate in violation of Art.VIII, Sec. II, par. 5 of the New Jersey Constitution.

The proposed changes to N.J.A.C. 5:32-5.1 et seq. adversely impacts the independence of municipal clerks and will ultimately result in unqualified or underqualified individuals serving as acting clerks for long periods of time. Some requirements of the proposed N.J.A.C. 5:32-5.1 et seq. are fairly straightforward, and pertain to requirements for examination, initial certification, continuing education, and certification renewal for registered municipal clerks. The Department is taking the position that these regulations are simply a codification of existing requirements. However, under the proposal, a municipality could appoint an unlicensed individual to serve as acting clerk under certain conditions, possibly for several years. In the event a registered municipal clerk vacates their position, a municipality may appoint an individual without a registered municipal clerk license as an acting municipal clerk for a maximum one-year term; the municipality may seek Director approval to reappoint the individual for no more than two additional consecutive one-year terms. It is not clear what "vacates their position" means in the context of the rule. It seems vague enough to include both retirement and resignation. It is hopeful that this language would not refer to terminations or to a situation where a non-tenured clerk is not reappointed by a governing body. With or without the ambiguity regarding terminations, the proposal is troubling.

The proposal includes safeguards to ensure the proper function of municipal clerk's offices. There are safeguards in place that allows the Director of DLGS to oversee the reappointment of an unlicensed person as acting clerk. The Director would have the authority to review the appropriateness of the person being appointed by considering factors showing evidence of the person's moral character. There are more practical oversight powers as well, including the authority to review any OPRA complaints filed against the acting clerk and the power to request information that would show whether the individual was attempting to complete the licensure process.

Between the involvement of the Director and the break in continuity in clerks' offices around the State, these proposals seem to involve a large amount of bureaucracy, effort, and resources expended for the sole reason of authorizing an unlicensed person to serve as acting clerk. The licensure process exists specifically to provide continuity of government and to ensure that the law, such as the Open Public Records Act and Open Public Meetings Act, are followed uniformly throughout the State.

A brief review of the regulations begs the question: What actual problem is this change meant to address? What actual local concern, other than the avoidance of a clerk attaining tenure, could be served by these regulations? We will continue to monitor the regulatory process to find the answers to these questions, and to make sure the interests of clerks are heard by those drafting the regulations.

## THE QUILL EDITOR TRANSITIONS

As Editor of the Quill for the past three years, I've had the honor and pleasure working with the Clerk's Executive Board, professionals and fellow Clerks. Working hand-in-hand with all of you to provide valuable resources along with light-hearted articles for Municipal Officials throughout the State, truly reinforces the collaborative approach in which Municipal Clerks take to improve our communities. I would like to thank all current and past Members of the Executive Board, and look forward to working with all of you in other capacities moving forward.

Please join me in welcoming Michele Brobowski as the new Editor of the Quill! I know everyone will enjoy Michele's contributions and up-beat personality as we continue to improve the Quill and provide the tools for success. Welcome Michele!



So for now, Keep Calm and Clerk On!

Joseph Kostecki, MPA/CMC/RMC/QPA/RPPS

Hello to all my fellow Clerks!

I have been asked to say a little bit about myself as your new Quill Editor. My name is Michelle Bobrowski. I have been in municipal government for 21 years (OMG! Where has the time gone?). I started out in Edison Township as a Technical Assistant to the Construction Official right out of college in 1996. I stayed in Edison Township for 9 years until the birth of my second child. After staying home for about 2 1/2 years to be with my two children, I decided to go back to work part-time. I was hired by Delaware Township (Hunterdon County) as a Board of Health Secretary where I worked for 2 1/2 years before coming to Alexandria Township where I started out again as a Technical Assistant to the Construction Official. I have moved up the ranks from a building department Secretary to the Clerk's Office in the past 12 years. I have been the Municipal Clerk/Administrator for Alexandria Township for 5 years along with other various job duties (something we all know too well). I am the President of the Hunterdon County Clerk's Association as well as the Vic-President of the Mid-State Registrars Association.

I have been married 18 years to my husband Joe, whom is a Sergeant for the Branchburg Police Department. We have two children; Sarah and Joey. Sarah graduated high school this past June and started college this fall at Farleigh Dickinson University in Madison where she is studying Medical Imaging and playing hockey and lacrosse. Joey is a sophomore at Delaware Valley Regional HS. I love to travel, photography (my kids think I'm the paparazzi because I always have a camera in my hand and taking pictures of them), and scrapbooking. I save every memento I can about an event or trip we go on, and take hours scrapbooking pictures and adding those mementos to the pages of the album. I want my kids to remember those events in their life when they look back at those albums.

Since working in the Clerk's Office, I have always looked forward to receiving my copy of the Quill. The Quill is like a scrapbook for us Municipal Clerks. It keeps us up to date on important issues, the pictures preserve the memories of events we have attended, and the People's Page invites us in to everyone's life events, making us a part of their special moments. I will continue this tradition and I hope that you look forward to the future issues of the Quill as much as I look forward as Editor in creating a scrapbook of information for you all to cherish.

I am honored to have been selected as the new Quill Editor, and I have some big shoes to fill-looking forward to the adventure

Michele

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**MEMBERSHIP SUMMARY as of October 3, 2017**

County	Total # of Municipalities	Total # of Municipalities Paid	% Paid
Atlantic	23	14	61%
Bergen	70	44	63%
Burlington	40	32	80%
Camden	37	17	46%
Cape May	16	13	81%
Cumberland	14	7	50%
Essex	22	12	55%
Gloucester	24	17	71%
Hudson	12	4	33%
Hunterdon	26	18	69%
Mercer	13	9	69%
Middlesex	25	17	68%
Monmouth	53	27	51%
Morris	39	25	64%
Ocean	33	19	58%
Passaic	16	12	75%
Salem	15	8	53%
Somerset	21	12	57%
Sussex	24	14	58%
Union	21	14	67%
Warren	22	11	50%

**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.

CATEGORY	TOTAL
Full - Municipal Clerk	371
Affiliate - All Others	19
Honorary Membership (Retired)	32
Full - Clerk of Freeholder Board	2
Associate - Assistant Municipal Clerk	13
Associate - Deputy Municipal Clerk	155
Full - Acting Municipal Clerk	9
Associate - Deputy County Clerk	4
<b>GRAND TOTAL</b>	<b>582</b>

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Joel Popkin  
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Kevin Galland, Dina Zawadski, Eileen Gore  
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Editor - Michele Bobrowski  
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#### **DEADLINES FOR NEWSLETTER ITEMS**

The deadline for People Page submissions for the January 2018 issue is December 4, 2017. 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](mailto:pborek@hillsborough-nj.org)

The General News Articles deadline is December 11, 2017, and may be sent to:

Michele Bobrowski, Alexandria Township. 242 Little York-Mt. Pleasant Rd. Milford, NJ 08848 or via email to:  
[Clerk@Alexandrianj.gov](mailto:Clerk@Alexandrianj.gov)

Questions or comments regarding this or any issue of the *Quill* may be directed to the Editor, Joseph Kostecki,  
by calling (908) 996-7071 or using the contact information shown above.

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