

**PRESIDENT'S  
MESSAGE  
KEVIN GALLAND**



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## President's Message from Kevin Galland

Spring, never thought you would arrive. Crocus, tulips and daffodils, welcome the warmth of the sun.

Just a few thoughts.....

OPRA, no news is good news, except when it comes to OPRA. It's my understanding that Senator Weinberg continues to seek adoption of her amendments, which are still in committee review. So, the good news is that these amendments have yet to come out of committee, and the bad news is that we continue to labor under the current law.

In the January edition of The Quill, I reported that the 2018 League of Municipalities Conference Resolutions Committee, which met on November 13, 2018, approved a resolution which, '...appeals to the Legislature to set up a Commission comprised of Mayors, Municipal Clerks, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, and citizens to review and examine the effects of OPRA on local government and what needs are to be fulfilled by the law, and to use the findings of this review to perform a comprehensive reform of OPRA'. In my view, this is exactly what needs to be accomplished.

As an update, Assemblyman Ronald Dancer (District 12) has penned legislation (A4894), modeled off of the League's resolution referenced above, establishing a committee to address the many concerns of the current law. We will need to wait to see how that plays out. nti

The Executive Board is exploring a new opportunity to bifurcate the information and documents currently on the Association's website as to what should be provided to the public, versus what is to be provided solely to paid members. Presently all of our information and documents are open to public view. The Quill and our meeting minutes are just two examples that should only be available to our paid members.

This effort is needed to address those few individuals who register their membership, but only pay if they are going to attend the Annual Education Conference at the discount rate, or not at all. In the mean-time all of the benefits and privileges of membership were provided at no cost. The goal here is that only paid members would have access to identified pertinent information and documents.

We also intend to create a far simpler way to register for the conference. We envision that when one registers their membership and pays their dues, a number and password would be assigned and used to access the paid member's section of the website. That same number would be used to register for the conference. No more entering the same data into a registration form, that often fails, if the information provided does not match identically to the information provided on the membership form. We are looking to improve the process and have this in place for our next fiscal year enrollment.

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**THE PEOPLE PAGE**



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**A SURVEY AND STANDARDS OF  
REVIEW FOR THE OPRA NON-  
COMPLIANCE PENALTY  
BY:  
RICHARD LUSTGARTEN, ESQ**



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**A DAY IN THE LIFE OF A  
MUNICIPAL CLERK  
BY:  
MICHELE SEIGFRIED**



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# PAYING HOMAGE TO THE DEDICATION OF IRVINGTON TOWNSHIP CLERK HAROLD WIENER

By Garfield City Clerk Drew Pavlica

During the past few months, I have received a lot of publicity and attention regarding never missing a Mayor and Council Meeting since I was appointed Garfield City Clerk in September 1987 – a string of over 1,700 meetings in a row without an absence over nearly 32 years! However, I think it is important to recognize another dedicated and devoted Municipal Clerk for his own record of achievement, and that is Harold Wiener of Irvington.

From January 12, 1982 to June 12, 2007, Harold attended every regular Council Meeting during that span for a total of approximately 1,079 without a miss. From January 1, 1982 through November 27, 1987, as Deputy Township Clerk of Irvington, Harold did not attend special meetings or work sessions, except in the absence of the Municipal Clerk (maybe 10 meetings or so). Harold attended every Council meeting (812), work session, budget hearing, special meeting, alcoholic beverage control meeting, etc., from November 27, 1987 to June 25, 2007. Harold missed regular meetings on June 26, 2007, and July 10, 2007, a work session on July 9, 2007, and a special meeting on July 2, 2007, when he was hospitalized.

Harold never counted the total number of meetings to include work sessions and special meetings, but estimates it to be approximately 527 additional meetings from November 27, 1987 through June 25, 2007, plus approximately 600 additional meetings during the current span from 2007 to the present.

As Irvington Township Clerk, Harold would have had a record (just like me) of more than 31 years without missing a Council Meeting, if not for his hospitalization in 2007.

Harold has also administered over 100 straight elections.

Harold received both the Registered Municipal Clerk designation and a Masters Degree in 1986; and after working for years in the Clerk's Office, Harold was appointed Township Clerk of his hometown, Irvington, in 1987.

Harold has served the Municipal Clerks' Association of Essex County in various leadership positions, including Secretary, Treasurer and President.

Additionally, Harold has served, and continues to serve the Municipal Clerks' Association of New Jersey on many Committees, including Professional Development, Peer Alliance for Learning, Laws Affecting the Municipal Clerk, Records, Legal Defense Fund, Constitution and By-Law, and in other capacities.

Harold has served for many years as an MCANJ Advisory Board Representative and Alternate Advisory Board Representative (for Essex County).

Harold has served on the vital Education Committee, including as its Chairman; has served as an Instructor for Rutgers University on behalf of the Registered Municipal Clerks Certification Program; and he has been a speaker for numerous seminars and conferences.

Harold received the prestigious designations of Certified Municipal Clerk in 1991, and Master Municipal Clerk in 2006, from the International Institute of Municipal Clerks. Harold has represented the MCANJ before government sessions in Trenton, many times, on important issues affecting not only our profession, but local government as a whole.

Often quietly and without fanfare, Harold frequently helps other Municipal Clerks, the Public, Elected Officials, and everyone in need, regardless of the time or effort it requires. Harold is respected inside and outside his municipality, for his fairness, impartiality, supervisory ability and judgment. He is a major supporter of his local Library and Lions Club.

Harold was MCANJ Municipal Clerk of the Year in 2010, and is an inspiring role model, colleague and friend. He has an impressive record of never missing Council Meetings prior to 2007 and after 2007. I salute him for his record of devotion and dedication to his hometown and profession.





## IIMC CONFERENCE, BIRMINGHAM, ALABAMA-THE MAGIC CITY May 20th-May 23rd



### Conferences Are A Key Part Of Your Professional Development

Local government leaders must go beyond the call of duty to serve their constituents effectively. To do this, you'll need to augment your professional development through education.

For those of you who have attended IIMC annual conferences in the past, you know they are an important part of your professional development. Conferences are an opportunity to grow and share with your peers, expound on your knowledge base and broaden your minds to new, innovative and diverse topics.

The 2019 Conference in Birmingham has much to offer in ways of education. Here is a teaser to some sessions that are sure to sharpen your leadership skills and intensify your professional development.

### A Few Of The Concurrent Education Sessions To Look Forward To!

- We've Got to be More Creative Around Here!
- Be Forward Focused! The Power of Positive Leadership
- Rethinking Records & Information Management in an Electronic World
- Ethics in Public Service
- Administering Ranked Choice Voting
- Making Diversity Work for You
- Speak with Confidence, Comfort, and Conviction
- Cultural Competency: The Lifelong Journey
- Preventing Sexual Harassment in the Workplace
- Municipal Problem Solving: We Are Stronger When We Share



### Offsite Concurrent Education Session

Tuesday, May 21, 2019

10:30 a.m. – 12:30 p.m. OR 2:00 p.m. – 4:00 p.m.

Fee: \$60

This offsite education session will explore the Birmingham Civil Rights Institute (BCRI) that sits at the center of the past and new beginnings and chronicles the events, struggles, and victories of the Civil Rights Movement. Conceptualized in the 1970s, the Institute opened its doors in November of 1992 and welcomed over 25,000 visitors in its first week. Rooted in the heart of the Civil Rights District, the Institute neighbors the 16<sup>th</sup> Street Baptist Church and Kelly Ingram Park, sites of some of the most significant events in the Civil Rights Movement of the 1950s and 1960s.

Birmingham, Alabama today is a city transformed by social progress, a city whose businesses and institutions thrive, in part, because of its diversity. It is a city strengthened by the process of reconciliation—a city that has endured. The Birmingham Civil Rights Institute tells the story of that transformation.

Led by the BCRI Education Staff, this session will give IIMC delegates an exclusive opportunity to explore the past and to work together in the present to build a better future.

## **OPRA Forms and Indictable Offense Certifications**

By Jonathan N. Frodella, Esq.

Municipal Clerks often receive OPRA requests where the requester either fails to complete the indictable offense certification or omits it entirely. The GRC model request form includes this certification, and many municipalities include it on their own forms since a victim's personal information cannot be released to the victim's aggressor. Despite this, Clerks cannot condition disclosure of personal information on the requester's completion of an indictable offense certification, and if a requester certifies a conviction, Clerks cannot require the requester to provide additional information. This leaves Clerks on their own to find the relevant criminal background information and to withhold or redact records accordingly, which presents an unreasonable burden to the Clerk's time and to the municipality's resources.

Applications of this rule sometimes go against our common sense. For example, when a prison inmate listed the prison as his contact address on an OPRA request seeking personal information, the GRC determined the custodian unlawfully denied access by asking the requester to complete the indictable offense certification and to provide relevant criminal background information. In its decision, the GRC appeared to endorse the position that Clerks must perform an independent investigation into a requester's criminal background and rely on sources such as newspapers when a requester refuses to provide the information voluntarily. In addition to being an inefficient use of resources, placing this responsibility on Clerks and other records custodians is an enormous burden, and we should hope the next OPRA amendment corrects this problem.

Part of this dissonance comes from the state of the current law, which requires agencies to maintain official request forms while not requiring requester to use them. Likewise, although the GRC's model form has an indictable offense certification, this certification is not required for a written communication to constitute a valid OPRA request. Municipalities should nevertheless make their official request forms easily accessible online so the convenience of using them encourages requesters to supply all the information a custodian needs to comply with OPRA. Making forms readily available online also advances OPRA's stated goal of increasing government transparency, since a user-friendly process for requesting records means fewer barriers to access.

Anonymous requests present additional complications since victim information **cannot** be provided to anonymous requesters. Still, the Appellate Division opined that records cannot be withheld based on "the remote possibility that the anonymous requester had been convicted of an indictable offense, or that the information sought would be personal information about the requester's victim or family." See Scheeler v. Office of the Governor, 448 N.J. Super. 333, 341 (App. Div. 2017). Instead, courts seem willing to accept the following compromise: When a requester is anonymous, a Clerk can redact personal information that is not otherwise protected by the confidentiality provisions of the OPRA statute. This enhanced redaction provides a "middle ground" between full disclosure and withholding records in their entirety, but custodians should consult their attorneys before applying any enhanced redactions.

Yet another complication is the rise of online services like OPRAmachine that provide a user interface for making OPRA requests. The complication presents when these services automatically publish responsive records to the world, thereby altering the privacy analysis courts and custodians have typically employed across the spectrum of OPRA requests. There is a trial-level action pending regarding the validity of requests made through these online publishing services, but there is not yet a decision, let alone an appellate decision, so requests for personal information made through these online services must be analyzed on a case-by-case basis. As with all the other complicated scenarios described above where there is no clearly controlling law, Clerks and other record custodians should reach out to their counsel as soon as possible, not only for guidance, but to help share the burden of dealing with these difficult matters and to help avoid costly litigation, which is an ever-present threat due to OPRA's attorney fee-shifting provisions.

***Jonathan N. Frodella, an attorney with Laddey Clark & Ryan in Sparta, focuses his practice on government services and commercial litigation.***

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## PEOPLE PAGE



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.

### Middlesex County News:



Middlesex County Municipal Clerk's Association officers pictured on 3/21/19 in South Brunswick. They are (left to right) Gabriella Siboni (Milltown), Susan Jackson (Metuchen), Norma Carbin (South Brunswick), and Carol Bellisano (East Brunswick). Photo was taken in So. Brunswick where 2.0 CEU's were offered in Finance (Contract Compliance & Audit). The presenter was Anthony Carlos from the NJ Department of Treasury.



Former MCANJ President John Mitch (Woodbridge; left in photo) shown announcing a New Jersey State High School boys basketball State Quarter Finals game (Colonia High School vs. Jersey City Snyder High School). Colonia is Mitch's alma mater. Mitch periodically announces high school baseball and basketball games as well as local parades for TV-35 in addition to his duties as Municipal Clerk.

### Atlantic County News:



Rita Martino was sworn in on March 4th for her second term as Hamilton Township Clerk by Municipal Court Judge Michele Verno as her son Bill holds the Bible. Martino assumed the office three years ago. Martino received a bachelor's degree in business administration and accounting from Richard Stockton College in 1989. She obtained her Registered Municipal Clerk Certification in 1994 and her Certified Municipal Registrar Certification in 2005.

Former Farmingdale, Atlantic County Municipal Clerk Jean Ann Trnyosky Burke passed away on December 27<sup>th</sup> at the age of 83. In addition to Municipal Clerk, Jean Ann was also a former Farmingdale Councilwoman.



## SOCIAL MEDIA



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## PRESIDENT'S MESSAGE FROM KEVIN GALLAND-Continued

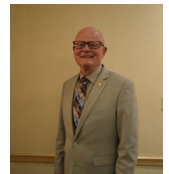
As of this writing we have some 260 conferees registered for our 2019 MCANJ Annual Education Conference to be held at the Hard Rock Hotel starting on Monday, April 29<sup>th</sup>. Our day starts off with an IIMC course entitled "Working with Difficult People and Keeping Your Sanity", with instructor Yvette Murry, starting at 12:00 noon (Fort Pierce Salon D), if you are so inclined to attend. This session is approved for 1.5 points towards either a CMC or MMC designation. RMC hours are pending approval. For more information regarding this session, please contact Laura Flagg at [flagg@docs.rutgers.edu](mailto:flagg@docs.rutgers.edu).

The registration tables will be open from 3:00 PM– 5:30 PM this day for sign-in and pick-up of conference materials. An Ethics Class (2.0 CEUs) is being offered that afternoon starting at 4 PM, and the President's Reception will be held on-site at the DAER Night Club from 6 PM – 8 PM.

Following all of that, there will be two and one-half days of classes where CEU's will be offered in all of the required disciplines, along with our Annual Meeting on Wednesday and our Annual Dinner that evening. Hope to see all of you at the conference.



*Best regards,  
Kevin*



## PEOPLE PAGE-Continued

### Hunterdon County News:



On January 31st, **Tewksbury Township-Hunterdon County** Clerk-Administrator Roberta Brassard retired after a career that spanned 22 years. Roberta Brassard started as an Executive Secretary then became the township's Deputy Clerk then Municipal Clerk and finally the Clerk-Administrator. Jennifer Ader is the Acting Municipal Clerk as the township goes through the process of finding Roberta Brassard's successor. All the best to Roberta and Jennifer.

Congratulations to Maria Andrews of **West Amwell Township** on passing her exam and becoming a Registered Municipal Clerk.



### Cape May County News:

**Avalon** Mayor Martin Pagliughi conducted formal swearing in ceremony for the positions of Borough Clerk and Deputy Borough Clerk on Friday, February 1<sup>st</sup>.

Danielle Nollett is the new Borough Clerk, replacing Marie Hood who retired. Nollett joined Avalon in February, 2016 as Deputy Borough Clerk. This followed nearly ten years of service in the Millville Municipal Clerk's Office. She is fully certified as a Registered Municipal Clerk and as a Certified Municipal Registrar.

Kristen Gannon is the new Deputy Municipal Clerk, replacing Nollett who was elevated from that position. Gannon began her employment in Avalon in April, 2018 in the Construction Office and began training in the Borough Clerk's office in November, 2018. She holds a Bachelor's degree in Business Communications from the University of Maryland and will be certified as both a RMC and CMR to support the Borough Clerk's office.

The **Hunterdon County Clerk's Association** Quarterly Meeting on Jan. 16<sup>th</sup> was held at the Bloomsbury Fire Banquet Hall. The theme was a "New Year, New You". They had Jules from River Soul in Milford introduce those in attendance to Yoga. Along with Yoga, they earned CEU's in Elections, Ethics, and Professional Development.



From left to right: Kristen Gannon, Mayor Martin Pagliughi, Danielle Nollett



## Municipal Clerks' Association of New Jersey FY 2020 Committees and Advisory Board



Did you know that people who work together with the support of a group have better success than those who go it alone? MCANJ Committees and our Advisory Board terms begin July 1, 2019 with the start of our new FY. The Committees and Advisory Board volunteers may meet 4-6 times throughout the year. If a Committee meeting is not geographically convenient to you we also have conference call-in capabilities to keep everyone involved. Please consider becoming involved in MCANJ opportunities by volunteering on any of the following:

- **Advisory Board** is comprised of two members from each County. The Advisory Board member is appointed by the MCANJ President and the alternate is appointed by the respective County President.
- **Constitution and Bylaws Committee** shall recommend to the Executive Board any amendments to MCANJ Constitution and Bylaws.
- **Education Committee** shall coordinate educational opportunities for RMC certification and recertification. They also participate in the education portion of the MCANJ Annual Education Conference.
- **Education Conference** In conjunction with the Executive Board coordinates the programs and events at the MCANJ Annual Education Conference.
- **Elections Committee** shall review statutory requirements governing elections, proposed changes in election law and may make appropriate recommendations to the Executive Board regarding same.
- **Fundraising Committee** shall plan and implement fundraising programs for the benefit of the MCANJ. (New ideas are always welcome)
- **Information Technology Committee** shall monitor the MCANJ Web Page and other Association authorized social media. Suggestive IT programs for the Municipal Clerk's office is always encouraged.
- **Legislative Committee for Laws Pertaining to the Municipal Clerks' Profession** shall monitor and review all proposed legislation that may directly affect the Municipal Clerks' profession.
- **Legal Defense Fund Committee** shall solicit membership and through its own Constitution and Bylaws oversee the operation of said Fund.
- **Manual Review Committee** shall be charged with the annual review and publication of updates for the Municipal Clerks' Desk Reference Manual.
- **Membership/Peer Alliance for Learning Committee** shall be charged with the duty of securing and maintaining the enrollment of all Municipal Clerks, County Clerks and the Clerks of the Boards of Chosen Freeholders in the State of New Jersey. It may be designated further as Membership-North, Central and South, and be responsible for promoting a mentoring program between newly appointed Municipal Clerks and experienced RMCs.
- **Professional Development/Mini Conference Committee** shall prepare and implement programs addressing the managerial and administrative skills necessary to meet the professional image of Municipal Clerks.

*Continued on next page*



**Reminder-**President's Reception Mon., April 29, 2019 from 6:00 PM- 8:00 PM at Daer Night Club  
Hard Rock Hotel & Casino



## Municipal Clerks' Association of New Jersey FY 2020 Committees and Advisory Board (Continued from Page 9)

- **Public Relations Committee** shall plan and organize the Booth at the Annual League of Municipalities Conference, and the information Booth at the Annual Education Conference. Additional duties may include hospitality at MCANJ events.
- **QUILL Committee** shall be published four (4) times a fiscal year, the official newsletter of the MCANJ.
- **Raffles Committee** shall coordinate and conduct said events
- **Records Committee** shall review pertinent decisions of the GRC regarding the Municipal Clerk's responsibility in complying with OPRA and amendments/supplements subsequently enacted
- **Resolutions Committee** shall prepare and present at the Annual Meeting, Resolutions recognizing those Municipal Clerks who have retired or passed away since the last Annual Meeting.
- **Scholarship Committee** shall award financial assistance to deserving member Municipal Clerks and Deputy Municipal Clerks for courses required for certification and recertification as RMC, CMC and MMC.

All MCANJ members are encouraged to be involved on a dynamic committee of talents, new ideas and suggestions.

Please contact me at [1VicePresident@njclerks.org](mailto:1VicePresident@njclerks.org) and we will discuss what the best fit is for you and MCANJ. I look forward to working with you in FY 2020.



*Diane M. Pflugfelder RMCMMC  
MCANJ 1<sup>st</sup> Vice-President*

## PEOPLE PAGE-Continued

### Ocean County News:

**Ocean County Municipal Clerks Assoc.** met on Jan 25th at the Clarion in Toms River. Swearing in of Executive Board Members was done by Attorney Armando Riccio. Wishing all the very best as they serve their terms.



Pictured are from left to right:  
 President - Diane B. Ambrosio – Administrator/Municipal Clerk – Township of Ocean  
 Vice President – Susan Farrell – Deputy Clerk - Little Egg Harbor  
 Secretary – Antoinette Jones – Municipal Clerk - Point Pleasant Borough  
 Treasurer – Donna Manno – Deputy Clerk – Barnegat Township

### Monmouth County News:

Former Matawan Borough Clerk Jean Bryan Montfort passed away on March 20<sup>th</sup> at the age of 72. She was the Borough Clerk for 15 years until she retired on May 30, 2013.

Port Republic Deputy City Clerk Patricia Keane passed away on October 19th at the age of 75. She devoted her life to taking care of and helping others.



# A SURVEY AND STANDARDS OF REVIEW FOR THE OPRA NON-COMPLIANCE PENALTY

by

Richard A. Lustgarten, Esq.

In researching for topics of interest, I recently came across a survey of Municipal Clerks that was taken in 2018. The entity that conducted the survey is called Granicus. Before reviewing the survey I frankly had never heard of this company but it appears that it is engaged in information systems for storage and retrieval, as well as producing webinars and other materials.

Some caveats are in order. The presentation of the survey seems, in part, to be a marketing tool for Granicus to contact local governments concerning its products.

Additionally, I have not seen any of the base data on which it draws its conclusions. It should also be noted that the request for survey information was sent out to 9874 individuals who identified themselves as clerks. It received 392 fully completed surveys or a rate of return of just under 4 percent. It's my understanding that a rate of return of between 10 and 15 per percent would be considered good. Finally, I cannot determine how many returns were from New Jersey.

Nevertheless, the information in the survey is illuminating. The introduction states the following: "Clerks serve a humble but powerful role in the public sector. They help file and manage important records, ensure elections are conducted fairly and accurately, and record public meetings for the sake of transparency. Government literally couldn't function without them "

According to the survey Clerks work in jurisdictions where the population is less than 10,000 to those in excess of one million. Fifty seven percent of respondents indicated that they work in a city, county or village. Forty six percent work in places with less than 10,000 residents and fifty eight percent with fewer than 30,000.

According to the survey the average Clerk earned approximately \$63,000. Interestingly, 15% earned under \$25,000, 56% earned between \$25,000 to \$75,000, 16% earned between \$75,000 to \$ 100,000 with 13% earning over \$100,000.

Twenty percent of the respondents indicated that tech adoption was their top concern. Thirty one percent cited record management as the area in which they spend the most time. Six in ten said there was not enough time for this task and ten percent said that responding to requests for public information was the single most time consuming .

The survey indicates that the profession is aging. 77 percent of Clerks are 46 years old or older. 43 percent are over 56. 68% of those 46 and up plan to retire in the next ten years and the number jumps to 90 % for those 56 or over. This will present a challenge for the future as it is anticipated that average Clerks salaries can't compete with comparable private sector employment.

The balance of the article concerning what was learned from the survey is how Granicus can help with document flow, storage etc. It would be interesting to conduct a survey of solely New Jersey Clerks concerning years of service, salaries and benefits, most time consuming tasks, OPMA and OPRA issues and the like. And NO, I am not volunteering for this task for as I write this, Spring, as they say, is just around the corner and the outdoors beckon for this retiree. Sorry!

To my knowledge, the Legislature will be re-visiting OPRA and OPMA to consider further changes to them. This process has been ongoing for the last several years and MCANJ has been intimately involved with various proposals. Whether this next round of discussions actually results in amendments to the statutes remains to be seen.

Of specific interest to Municipal Clerks is that section of the law which imposes a civil penalty on the Clerk personally. Actually the statute does not only relate to Clerks but covers others as well. NJSA 47:1A-11a states in part that "...a public official, officer, employee or custodian who knowingly or willfully violates (OPRA) and is found to have unreasonably denied access under the totality of the circumstances shall be subject to a civil penalty...."

The Government Records Council has the authority to impose such a penalty as does the Superior Court. The issue of a personal penalty has been the subject of much debate and a lot of angst on the part of Municipal Clerks. I have always counseled that the statute is not as punitive as it sounds and the purpose of OPRA is to provide transparency in government and reasonable access to documents and was not enacted to punish Clerks and others for mere negligent actions. These principles have been cited time and again but the following is a slight refresher. The source is a GRC case from 2017 but the legalisms are as valid today as they were then. (Reference to Court citations are omitted for brevity.)

**CONTINUED ON PAGE 12**



**Reminder-**President's Reception Mon., April 29, 2019 from 6:00 PM- 8:00 PM at Daer Night  
Club Hard Rock Hotel & Casino





A SURVEY;AND STANDARDS OF REVIEW  
FOR THE OPRA NON-COMPLIANCE PENALTY

(Continued from Page 11)

By Richard A. Lustgarten, Esq.

The following statements must be found to determine whether or not the Custodian's actions rise to the level of knowing and willful.

The Custodian's actions must have been much more than negligent conduct.

The Custodian must have some knowledge that the actions were wrongful.

The Custodian's actions must have had a positive element of conscious wrongdoing.

The Custodian's actions must have been forbidden with actual, not imputed, knowledge that the actions were forbidden.

The Custodian's actions must have been intentional and deliberate, with knowledge of their wrongfulness, and not merely negligent, heedless or unintentional.

In my opinion these standards are a pretty high bar to impose liability on a Custodian. In a sense, they reflect a standard of objective "good faith" in attempting to comply with a document request.

In any legislative amendment proposal, careful attention should be given to these standards so that liability will not be imposed for mere negligence of the Custodian.

Future articles may deal with proposed OPRA amendments as they are initiated.

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And now to show you I really have too much time on my hands: A small town has a factory which produces coffee scented skin cream. The trucks which transport the cream are causing so much traffic that the mayor holds a town hall meeting to find a solution. The residents eventually vote to move the lotion by train. So there was a local motion for mocha lotion locomotion. Bada boom Bada bing. Happy Spring! **Richard**

### MCANJ Retirement Gift

If you or someone from your County is planning on or has retired, please let your MCANJ County Representative know so that the Association can provide a retirement gift on behalf of the MCANJ. County Representatives should contact Kim-Marie White, Treasurer @ [Treasurer@NJClerks.org](mailto:Treasurer@NJClerks.org). Please be sure to include the individual's name as it should appear on the engraved gift along with an address where it can be mailed. The request will take approximately 3 to 4 weeks to process, so please ensure that you provide as much advance notice as possible so that it can be presented at a retirement party or last town meeting, etc.

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# A Day in the Life of a Municipal Clerk

*By Michele Lynn Seigfried*

## *It's One of Those Days!!!!*

This morning, I was eating breakfast at the kitchen table while my six-year-old stood behind me. Suddenly, a rather unpleasant odor filled the air. I looked around asking, "What's that horrible smell?" My daughter stuck her fingers under my nose asking, "Is this the smell?" I told her to go wash her hands and asked her why they smelled so foul. She laughed and laughed. Then, she told me she had picked her butt. Ugh. Before I had kids, I guess I didn't realize that moms have dirty jobs to do sometimes like teaching your little ones to keep their hands out of their pants and teaching them how to clean their butt better. The day was not off to a good start.

I arrived at work to find an email from a Councilperson asking me to correct the meeting minutes. The word "Public" was missing the "l".

I received a volunteer application. The applicant asked to be on the "Township Committee." Since I have an upcoming election, I looked her up to see if she was eligible to be a Committeeperson. I discovered she wasn't registered to vote.

A resident came in wanting to pay their taxes. I told them to go to the next window on the right. She moved over one pane of glass, still standing at the Clerk's Office counter. I corrected myself, "I meant go one *office* over to the right."

I received a call from a resident, complaining that her neighbor had erected a life-size dinosaur skeleton in his yard which was causing a traffic jam. Upon further investigation, the lawn decoration, standing at five-feet tall was certainly not life-sized and the only traffic on the cul-de-sac were the neighbor's parked cars. I spent the next hour trying to calm down the complainant and explain the neighbor was not breaking any local ordinances.

An OPRA request appeared on the fax. It was 20 pages long asking for 249 different records. I am all for open government, but I think there is a special place for people who use OPRA as a harassment tool. It's a locked room with a never-ending stack of OPRA requests for them to redact and provide law numbers for. When I die, if I'm not lucky enough to walk through the pearly gates, I figure I won't be in a fiery underground, I will be locked in that same room because in my opinion, that is worse.

I began researching historical data for a project and I came across a sentence in the 1960 meeting minutes that said "John May be appointed to the Zoning Board." I wondered why it was mentioned that John might be appointed to the Zoning Board and not actually appointed to the zoning board. I thought, "Wow, things were different in the 1960s!" I wondered who John was, and wondered why "May" was capitalized. I flipped back a page and had that lightbulb moment. There was no error. "May" was John's last name. The sentence actually read "Mrs. Ross made a motion that John May be appointed to the Zoning Board." I guess my brain was fried after a day like today.

I stopped at my father's house on the way home from work. My father discovered Facebook. For the clerks who are my Facebook friends, please ignore any friend requests from him. He had spent several hours adding over 500 friends that appeared in his friend suggestions, not even knowing them, because he thought they were requesting him and not realizing they weren't.

I stopped at the grocery store. I picked the line with one person in front of me with one item. They had a nectarine. Yes, just one nectarine, nothing else. It wasn't even bagged. The store clerk scanned it over and over, but it wouldn't come up in the system. I couldn't help but think how gross it was that it wasn't bagged. Meanwhile, the line with 10 people in it cleared out first.

Arriving at home, my two dogs tackled me at the door causing me to drop the rotisserie chicken I just bought onto the floor. At least they had a good meal. My daughter ran up to me. "Mom, why did you buy the dogs a chicken?" "I didn't, honey, that was our dinner." I looked closer at her and noticed she had pinkeye. It was probably from her rubbing her eyes after her morning antics. I guess I'll go to bed and try again tomorrow. It's just one of those days!



## **Somerset County News:**

The Hillsborough Township Committee joined the Somerset County Commission on the Status of Women in saluting Pamela Borek for being honored with the “Government/Public/Social Service” award and thanked her for her dedication by presenting her with a proclamation at a recent Township Committee meeting.

Borek, a Hillsborough resident, was honored with the “Government/Public/Social Service” award at the Annual Outstanding Women in Somerset County awards dinner on March 29 in celebration of Women’s History Month.

Borek has served as the Hillsborough Township Municipal Clerk since December 2012. She graduated from Scranton University with a Bachelor of Science in Marketing and obtained a Masters in Business Administration from Fairleigh Dickinson University.

Borek has served on the Hillsborough Millstone Municipal Alliance since 2012 and has been vice chair since 2015. The Municipal Alliance is dedicated to substance abuse prevention and education with a particular focus on awareness for school age children. Borek has also been involved in BOROSAFE, Boro Suicide Awareness for Everyone since 2015.

Borek is the OEM deputy coordinator, public information officer and communications director. Pam has also served on the Credit Card Advisory Commission since 2012 and has been vice chair since 2014. The Commission administers the Hillsborough Rewards Visa Credit Card program grant application process which provides grants to local, non-profit organizations serving youths and senior citizens. Borek has been involved in CERT, Community Emergency Response Team since 2016. CERT is a program that educates volunteers about disaster preparedness and trains volunteers in basic disaster response skills.

Borek has taken active and lead roles in supporting Hillsborough Township students. She is active in the Hillsborough High School REACH each Internship Program, the Hillsborough High School Sub-Team and the Hillsborough High School “Shop 2” Program. She leads the collaboration with Administration in implementing the REACH Internship Program with over 13 Hillsborough Township Departments and the Board of Education. The mentoring program provides valuable work experience. The Shop 2 program is led by Borek and involves members of the Shop Class designing and building various project upgrades for the Municipal Building.



The **Municipal Clerks Association of Somerset County** recognized two of their board members, Hector Herrera and Michelle DeRocco, for their years of dedicated service on the Executive Board of the County Association.

Hector Herrera has held the Executive Board office of Treasurer from 2015 to 2018. He is the Bound Brook Business Administrator since 2016. Prior to joining Bound Brook, he was the Clerk/Administrator in Peapack-Gladstone.

Michelle DeRocco has held the Executive Board offices of Secretary and Vice President from 2013 to 2018. She was the Watchung Township Deputy Clerk from 2003 until 2011 when she was promoted to Township Clerk.

We thank both of them for their years of service to the Municipal Clerks Association of Somerset County and for their commitment to the residents of their municipalities.



**Continued on Page 16**



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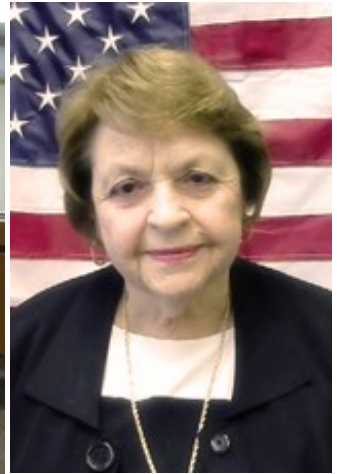


Congratulations to Wantage Clerk/Administrator Debra Millikin on her appointment as Administrator in Jefferson Township.

**Essex County News:**



Congratulations to Linda Wanat on her retirement as Montclair Township Clerk! Wanat herself was grateful at her last Council Meeting, saying she found the post challenging but fulfilling, and admitting she was the rarest of birds – a person who loved her job. Her greatest pride, Wanat said, was swearing in police and fire recruits, saying she felt like a proud mother in the ceremonies. Mayor Robert Jackson complimented her for her “true professionalism, class and dignity.”



Congratulations to Deputy Clerk Courtney Fitzpatrick from the Borough of Lincoln Park on earning her CMC on

February 27, 2019!

Awesome Job!!

**Bergen County News:**

Congratulations to Maywood Borough Clerk Jean Pelligra on her recent retirement! Jean was honored by the Bergen County Municipal Clerks' Association at their meeting held on February 21, 2019 at Seasons Restaurant in Washington Township. Pictured (L-R): MCANJ Advisory Board Rep. Heather Mailander (Ridgewood), BCMCA Resolutions Committee Chairman Drew Pavlica (Garfield), Jean holding the ceremonial resolution presented to her, and BCMCA President Sercan Zoklu (Cliffside Park).



**Sussex County News:**

**Congratulations on your retirement Catherine!**

After serving since 2011, Catherine Schultz officially retired as borough clerk on March 1. Prior to her tenure in Hopatcong, she worked in Franklin as the Deputy Clerk from 2004 through 2008. She was also Sussex Borough's Municipal Clerk and Borough Administrator between 2008 and 2011, Schultz said.

Valerie Egan was hired as Schultz's successor on Feb. 27 during a special Borough Council meeting and started on March 18. Egan has served in Morris County's Mountain Lakes Borough as Borough Clerk.



## MCANJ Secretary Nominee

Hello Fellow Municipal Clerks!! My name is Michele Bobrowski, the Township Administrator, Municipal Clerk, Registrar of Vital Statistics, Board of Health Secretary, etc., etc. (That's what happens when you are in a small Township) of Alexandria Township in Hunterdon County. I look forward to being your MCANJ Secretary for the FY 2019/2020. Here is a little info for you to get to know me better:

### Professionally:

I began working in government after I graduated college with a Paralegal Degree. I had a Paralegal position at a law firm in Metuchen but a family friend had informed me that Edison Township was hiring, and I really needed health benefits so I applied and was hired to work in the building department. I worked in Edison Township from 1996 until 2002 as the Technical Assistant to the Construction Official. During my time in Edison Township I worked my way to a managerial position within the building department overseeing a staff of 5 secretaries. During my employment in Alexandria Township I oversaw a pilot program and worked as a consultant with computer programmer Bob Anderson who developed software for the building department to use. Mr. Anderson sold this software to present day Mitchell Humphrey who offers this software program to building departments nationwide. I also graduated in the first class held by Rutgers for Technical Assistants.



I left Edison Township in 2002 after the birth of my second child. I stayed home for about two years and I wanted to go back to work part-time for a few hours a week to make some extra money. I interviewed with Delaware Township as they were hiring for a Technical Assistant and I had certification for this. I didn't get the position but was offered another position as the Board of Health Secretary. Not knowing a thing about wells, septic systems, or dog licensing I worked in Delaware Township for about two years until I was told about a job opening in Alexandria Township for a Technical Assistant in their Building Department.

I was hired in 2005 by Alexandria Township for the Technical Assistant position and as Registrar of Vital Statistics. I have since risen through the ranks. In 2008, I was hired full-time and was given an additional title of Deputy-Clerk. I began taking classes for certification as a Municipal Clerk in 2010 and October 2012 I sat for the Clerk's exam. Getting an email in December of 2012 from Dan Kaminski, Director of Local Government Services telling me I passed the Clerk's exam was super exciting and a career highlight of mine.

### MCANJ MEMBERSHIP SUMMARY (REPORTED 02/25/2019 )

CATEGORY	TOTAL
Full - Municipal Clerk	410
Affiliate - All Others	31
Full-County Clerk	1
Honorary Membership (Retired)	46
Full - Clerk of Freeholder Board	2
Associate - Assistant Municipal Clerk	15
Associate - Deputy Municipal Clerk	173
Full - Acting Municipal Clerk	18
Associate - Deputy County Clerk	4
<b>GRAND TOTAL</b>	<b>700</b>

In 2010, a group of us Registrars sat around discussing the formation of a new Registrar Association since the State Registrars Association was not providing a lot of classes for our recertification credits at that time. I sat in on these discussions and helped form the Mid-State Registrars Association. The Association covers the regions of Hunterdon, Somerset, Mercer and Warren Counties. Since the inception of the Mid-State Registrars Association I have served as Vice President since 2010 and continue in this position.

In 2013, I was appointed as Municipal Clerk for Alexandria Township along with Registrar and the Board of Health Secretary (my experience in Delaware Township came in handy for this position). Soon after my appointment as Municipal Clerk I was asked to fill a vacancy of Vice-President for the Hunterdon County Clerk's Association. I was told it was easy and I would not have to do anything except fill in for the President if they were not available for a meeting. Well how would I know that soon after the President would step down and I would need to fill in her vacancy. I have been the President of the Hunterdon County Clerk's Association since then going on 6 years. I enjoy arranging the meetings and organizing speakers.



## MCANJ Secretary Nominee-Continued

I received the Municipal Clerk Association of New Jersey Spotlight Award in January 2015.

The Township appointed me as Township Administrator August of 2016 where I have taken on additional managerial responsibilities as well as my other duties.

I took over as the Editor of the NJ Municipal Clerk Association's newsletter the "QUILL" in October of 2017 and will continue in this capacity during my term on the Executive Board.

October of 2018, I received certification as a Certified Municipal Clerk through the International Institute of Municipal Clerks (IIMC)-another career highlight.

**Personally:** I have been married to my husband Joe going on 21 years this April 18<sup>th</sup>. We have two amazing children: Sarah is a sophomore at Susquehanna University where she plays on their lacrosse team and my son Joseph who is a Junior in High School and beginning to figure out what's next for him once he graduates next year.

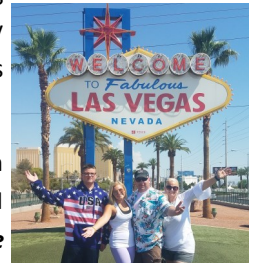
I **LOVE** to travel and scrapbook. My kids will tell you I'm their paparazzi (And yours at conferences so I can get pictures for the Quill). Each kid will need a room in their homes one day to hold all their scrapbooks I have made them. My dream is to own a vintage camper and travel the Country one State at a time-**one day!!!**

Being a Municipal Clerk is a rewarding position and the network of Municipal Clerks in New Jersey is just amazing!! You all are an incredible wealth of knowledge and always eager to assist one another. I look forward in working with the Executive Board and meeting all of you. Thank you so much to everyone that offered congratulations to me, it was so heart warming to see so many people from around the State reach out to me. Thank you so much!!!!

*Michele*

### Reaching New Heights After Retirement

Sharon Brienza, Former MCANJ President and Municipal Clerk of Branchburg Township, Somerset County was sworn in to the Millville, Delaware Township Council on March 12th. Best of Luck Sharon, you are going to be fabulous!



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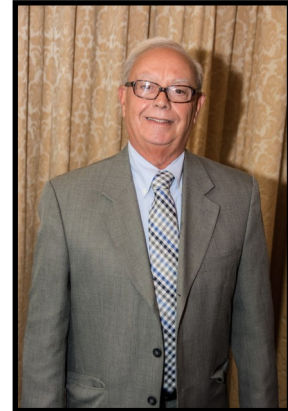
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#### **DEADLINES FOR NEWSLETTER ITEMS**

The deadline for People Page submissions for the July 2019 issue is June 3 ,2019. 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 June 11, 2019, 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, Michele Bobrowski,

by calling (908) 996-7071 ext. 210 or using the contact information shown above.

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