

PRESIDENT'S
MESSAGE
DIANE M PFLUGFELDER



President's Message from Diane M. Pflugfelder



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Gerrymandering, OPRA
Serial Requestors, Ken-
tucky Ex-County Clerk
BY:
RICHARD LUSTGARTEN, ESQ



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OPRA UPDATE
BY IMMEDIATE
PAST PRESIDENT
KEVIN GALLAND



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MCANJ APPLICATION FOR
CANDIDACY- SECRETARY
FOR 2020/2021



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I once read a quote from Paulo Coelho's "Aleph", "In a forest of a hundred thousand trees, no two leaves are alike. And no two journeys along the same path are alike".

Wow, that is so true of Municipal Clerks in our Counties and across the State of New Jersey. Here in New Jersey, we all abide by NJSA and NJAC yet our offices run so differently. That is why networking has been so important to me in my Municipal Clerk career. Gathering and sharing is a way of learning a new resolution for a situation that we may have allowed to get under our skin and become frustrating. We need to learn to take a step back, listen and be proactive – not reactive.

With that being said, let me ask, has fall really come? , Where did the summer go? The MCANJ Executive Board has been a whirl of activity to coordinate membership and LDF registrations as well as multiple events over the next eight months. I look up from my desk and school buses are driving past the window. Oh my!

NOVEMBER 2019:

Save the Date for the MCANJ sessions at the League of Municipalities Convention in Atlantic City; Thank you Eileen Gore, 1st Vice President, for coordinating MCANJ sessions on Tuesday, 19 November 2019, and Wednesday, 20 November 2019. She is pursuing RMC credits for these three sessions.

DECEMBER 2019:

On 11 December 2019, the LDF Seminar will be held at the Hamilton Hilton Garden Inn in Hamilton, NJ. This free seminar is open to all current LDF members so be sure to complete the LDF registration form and forward it with your personal check to Joel Popkin to confirm your current membership. We have Jonathan Frodella, Esq. from Laddey, Clark and Ryan as our morning speaker to explain what the Legal Defense Fund can do for you. Harold Weiner and the LDF Committee will give a brief synopsis of the application process. The afternoon session will be led by Katrina Campbell, Esq. from Lavery, Selvaggi, Abromitis & Cohen. Ms. Campbell will be presenting case scenarios. Registration will open in October 2019. Kudos to Joel Popkin for coordinating this event and facility. both RMC and IIMC credits have been secured.

JANUARY 2020:

On 27 – 30 January 2020, MCANJ is hosting the IIMC Region II Conference at Resorts Casino & Hotel, Atlantic City, NJ. This conference is open to all IIMC Region II members. There are approximately 9-11 IIMC credits for CMC and MMC certification and RMC credits will also be applied for. The conference opens with an Athenian dialogue, *Empires of Light: Edison, Tesla, Westinghouse, and the Race to Electrify the World* by Jill Jonnes. I've begun reading this book and it is such an eye-opener. What we take for granted everyday with electric current running through our homes/offices and the trials of how it all began. The following 2 1/2 days will cover leadership strengths, communications, ethics, the digital world, election security and role playing in active shooter scenarios. Look for the Region II Conference registration after 1 November 2019. Thank you Allan Susen, Vinny Buttiglieri, Sherry Mason, Drew Pavlica, Laura Flagg and Joel Popkin for being such a strong team to coordinate this event.



President Diane M. Pflugfelder-Liberty Township/Warren County

EMAIL: President@njclerks.org

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1996-2000: Patricia C. Shuss 2001-2005: Nancy Hatten 2006-2015: Jim Doherty
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Hunterdon:	Michele Bobrowski, Alexandria Township	Warren:	Laurie Barton, Washington Borough
Mercer:	Debra Sopronyi, Hightstown Borough		

President's Message from Diane M. Pflugfelder-Continued

APRIL 2020:

Your MCANJ Annual Education Conference plans have begun. The Hard Rock Hotel Casino has been contracted for Monday, 27 April through Thursday, 30 April 2020. Speakers have been confirmed for Ethics, Elections, Professional Development, Records, and Registrar. We are patiently awaiting Licensing and Finance speakers to return from vacations. The theme of the 2020 conference is **Team MCANJ "CAN"**. When you look at MCANJ you clearly see the "CAN" right in the middle of our name.

We have secured Mike Erwin, CEO of the Character & Leadership Center in Pinehurst, North Carolina to be our keynote speaker. Mike will be discussing effective leadership as a relationship and building a positive culture in a multi-generational work environment.

MCANJ membership is going strong. Real strong. Warren County was the first county to reach 100 registrations, quickly followed by Middlesex and Hunterdon Counties. As of this writing we have 673 registered members. At the close of FY 2019, MCANJ had 794 members. It is the goal of the Executive Board to have more members involved and allow them to take advantage of all the benefits MCANJ membership has to offer.

MCANJ, INC.
PAID MEMBERSHIP SUMMARY
 REPORTED August 29, 2019

County	Total # of Municipalities	Total # of Municipalities Paid	% Paid
Atlantic	23	17	74%
Bergen	70	42	60%
Burlington	40	27	68%
Camden	37	19	51%
Cape May	16	8	50%
Cumberland	14	9	64%
Essex*	21	18	86%
Gloucester	24	10	42%
Hudson	12	2	17%
Hunterdon	26	22	85%
Mercer	12	9	75%
Middlesex*	25	18	72%
Monmouth	53	32	60%
Morris	39	28	72%
Ocean*	32	20	63%
Passaic*	15	11	73%
Salem	15	8	53%
Somerset	21	13	62%
Sussex	24	13	54%
Union	21	14	67%
Warren*	21	19	90%

*Denotes a Municipal Clerk working in two independent municipalities



104th Annual New Jersey State League of Municipalities Conference

MCANJ Classes

All Classes are held within the Atlantic City Convention Center

Event Name	Host Group	Event Date	Event Start Time	CEU Applied For;
Investigating Taxis and Limos in NJ	MCANJ	Tuesday, 19 Nov	2:00 pm	Licensing
Records and Info Management for NJ Public Agencies 2019	MCANJ	Wednesday, 20 Nov	9:00 am	Records
OPRA Ruling by the Appellate Division & Supreme Court	MCANJ	Wednesday, 20 Nov	2:00 pm	Professional Development

SAVE THE DATE

Wednesday, December 11, 2019

FREE LEGAL SEMINAR FOR LEGAL DEFENSE FUND

MEMBERS

Hilton Garden Inn

9:30 – 2:30 - Lunch is included

800 US Hwy 130, Hamilton, NJ 08690

Deadline for registrations is Nov. 29th.

President's Message from Diane M. Pflugfelder-Continued

MCANJ has joined in an amicus brief with the NJ League of Municipalities appealing Judge Thorton's unprecedented decision awarding \$86,000 in attorney fees to a public requestor under the common law, even though she found that the Municipal Clerk was correct in denying the request under OPRA. The effect of the decision, if affirmed, will be that not only must Municipal Clerks make determinations and sometimes do a balancing test under OPRA, they must also conduct a legally intensive balancing test under the common law – a test which judges and lawyers frequently disagree. The appeal is to reverse the portion of the judge's decision which basically makes Municipal Clerks lawyers and judges, who must get an exquisite test done correctly in 7 days, or expose their municipalities to massive attorney fees. If you want to learn more on "common law" pull out your July 2016 edition of the Quill (pages 20-22) and read the article by Richard A Lustgarten, Esq., *The Common Law; No Citizen, No Name, No Docs; Retrieval v Creation*.

I thank Immediate Past-President Kevin V. Galland for his continuation of representing MCANJ on the OPRA legislative forefront. His OPRA quarterly report is included within this Quill edition.

Applications for MCANJ Secretary Candidacy are now being accepted by Michele Bobrowski, MCANJ's current Secretary. The application can be found on www.njclerks.org. Any individual seeking to be a candidate for Secretary must file with the Secretary no later than 15 January 2020. The criteria for eligibility to seek office is that "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". This position shall serve from 1 July 2020 through 30 June 2021 and then a filing of the annual Notice of Ascension to proceed through the consecutive MCANJ Executive Board offices is done.

MCANJ RMC, CMC and MMC Scholarships can also be found on www.njclerks.org. These completed applications are to be forwarded to the attention of Rayna Harris, Scholarship Committee Chairperson at rharris@cityofrahway.com. The deadline for submission is 15 January 2020. The following scholarships are available to tenured Municipal Clerks; however, if none apply, consideration will be given to non-tenured Municipal Clerks.

RMC Scholarship – cost of one course offered by Rutgers University, not to exceed \$500 (8 awarded)

CMC Scholarship – cost of one course offered by Rutgers University, not to exceed \$500 (1 awarded)

MMC Scholarship – cost of MMC course offered by Rutgers University, not to exceed \$500 (1 awarded)

Thank you to Kim-Marie White, 2nd Vice President, for keeping her eagle-eye on the MCANJ website to be sure that you the members, have only the most current information.

The MCANJ Executive Board met in Fairfield for a much needed housecleaning workshop. We took a day to review and coordinate our current and archival documents. The Executive Board was most grateful to Denise Cafone, Treasurer, and her IT department for coordinating the AV needs making this task flow so much more easily.

In August 2019, heaven gained an angel. Joan Daubert Moreland Past MCANJ President passed. Joan was instrumental in creating the MCANJ Orientation Handbook for Newly Elected Officials in June 2012. She and her husband Richard were busy little beavers at many annual education conferences. Always eager to jump in and assist wherever they could. We were most fortunate to have her as a Past MCANJ President. RIP Dear Friend.

As you can see your MCANJ Executive Board has been busy. Should you have an idea or thoughts for MCANJ please do not hesitate to give me a call and share. Thank you for being a part of Team MCANJ-"CAN".

Enjoy the day,

Diane



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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, along with a picture and caption to be included in future editions of the Quill.

OCEAN COUNTY



David A. Maffei, former Pt. Pleasant Clerk passes

David A. Maffei, age 60, of Point Pleasant Borough, passed away on Tuesday, September 17, 2019, at home surrounded by his friends and family. Born and raised in Perth Amboy, the family also had a second home in Metedeconk. David received his Bachelor of Arts Degree in Business Administration from Rutgers University. He served as Legislative Aide to Assemblyman George J. Otlowksi Sr. from 1985 until 1991. David served various appointments in the City of Perth Amboy. After having moved to Point Pleasant, he began working for the Borough as Municipal Administrator in 1991. He became certified as a Municipal Finance Officer and as a Registered Municipal Clerk. In January 1995, he was appointed by the Mayor and Council of Point Pleasant as the Borough's Municipal Clerk. David became tenured in that position in 1998 and continued as a Municipal Clerk and Municipal Administrator until his retirement in 2015.

David enjoyed spending time by the beach and spent his life traveling with family and friends. David still followed Rutgers football and always looked forward to attending games. Those close to David will remember him as the most generous, witty, and kind-hearted man.

Surf City Municipal Clerk Mary Madonna Retires:

Bittersweet. That's the word Surf City Administrator Mary Madonna used to describe her retirement. "It's bittersweet because after 41 years I still love what I do," she said in regards to her retirement "We are one big family here, and I still love my 'other' family."

Madonna, who postponed her retirement twice, began her career in local government in 1978 as a reception clerk in Ship Bottom before being appointed the Borough Clerk and Registrar in Surf City in 1988. She was named Borough Administrator in 1999.

"I paid attention and learned from some of the best" people, she said of a career that has spanned four decades on an Island where she has lived since the age of 11. "I learned and learned and learned. I continue to learn because every day something different, something that has never happened before, happens. That's what makes it fun and exciting."

On Sept. 11, the final meeting before Madonna's last day, the Surf City Borough Council honored her with a Resolution and a cake. The resolution, in part, notes Madonna's recognition as a Master Municipal Clerk, and an instructor for the Rutgers Center of Government Services for more than 17 years.

"Mary remains a great resource to many of the licensed clerks throughout the State of New Jersey," the Resolution reads. "And whereas, in the land of many hats, Mary has worn almost all of them. Some of them include: Qualified Purchasing Agent, ADA Coordinator, CRS and Supplemental Fire Services Coordinator, the Emergency Management Coordinator, Secretary to the Board of Health and Zoning Official." Wearing all of those hats, Madonna said, is why all the municipal clerks on Long Beach Island stand out as some of the best in the State. "We do it all. We're not in an office with a staff, delegating," she said.

The Resolution, which Mayor Francis Hodgson pushed off until the end of the meeting, also cited Madonna as a valued member of the Ocean County Clerk's Association, Municipal Clerk's Association and the International Institute of Municipal Clerks. "It's a sad day," Hodgson said, calling Madonna a true professional who taught everyone to treat each other as they would want their loved ones to be treated. "She took all the hits (for us). We appreciate all you do."

Councilman James Russell, who credits Madonna for his decision to run for a seat on the governing body 14 years ago, said it has been an honor to work with her. "You answered every question; solved every problem. We truly love you," he said. "If there was a problem that couldn't be solved, you helped us realize that it wasn't really a problem," Councilman Peter Hartney added. Councilwoman Jacqueline Siciliano called Madonna invaluable. "Everything she does she does very well," Siciliano said. "It's been a privilege to work with her."

Congratulations on your Retirement!

Continued on Page 11



IT'S TIME TO RENEW YOUR MCANJ MEMBERSHIP

MCANJ is now accepting New and Renewal Membership Applications for the FY2020 through our online system.

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

MCANJ offers meaningful and affordable educational opportunities to its members through an Annual Education Conference. Registered Municipal Clerks can earn continuing education credits towards their certification renewal at this conference.

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

Municipal Clerk, the oldest of local government officials, offers camaraderie like no other; with members assisting when needed especially to non-seasoned Municipal Clerks or Municipal Clerks who may have faced a particular situation before. Municipal Clerks will undoubtedly develop new and long-lasting friendships when they join the MCANJ.

MCANJ offers the following classes of membership:

Regular Membership – Any person holding the office of Municipal Clerk, Acting Municipal Clerk, County Clerk, or Clerk of the Board of Chosen Freeholders of any municipality or county in New Jersey **(\$100 Annual Fee)**

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

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

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

The annual membership term is from July 1st to June 30th. Registration online is simple and quick. You do not need to send your PO for our signature, as the confirmation/invoice which is generated from the system has been approved by the Local Finance Board to be acceptable for use by counties and municipalities in the State.

Visit njclerks.org to register now!

Legal Defense Fund

The Legal Defense Fund was established by the Municipal Clerks' Association to financially assist Municipal Clerks when actions have been taken against them in the performance of their duties.

With initial membership costing \$75.00, and \$25.00 annually thereafter to renew, the Legal Defense Fund could prove to be your most valuable insurance coverage. This fund exists for the protection of its members and anyone who is not currently a member. Everyone is encouraged to join. Initial membership and renewals will begin on August 1st. Please visit njclerks.org to register online. The deadline for joining in November 1st.



1st Vice President Eileen Gore-Hamilton Township/Mercer County

EMAIL: 1vicepresident@njclerks.org



IIMC UPDATE FALL 2019



Region II is most fortunate to have some very strong members on the Board of Directors to represent you. Doug Barber, MMC, Maryland, gave extraordinary service to IIMC and Region II during his tenure. He is an individual who is always there to assist when called upon. Doug's term concluded at the annual conference in Birmingham in May 2019. Terri Hudson, Delaware, was sworn in while in Birmingham and has fulfilled that Region II position. Talk about energy! Wow, this woman is impressive. I only wish that I can keep up with her.

Are you following Region II on Facebook? I am not a proficient Facebook posting individual but I am learning how to share information with you. Terri assists when it comes to sending attachments.

Region II is ever expanding with new members and CMC achievements. Congratulations to:
Courtney Fitzpatrick, CMC, Borough of Lincoln Park
Diana Francisco, CMC, Township of Andover
Kim Macellaro, CMC, Township of Ewing
Laurie Gompf, CMC, Township of Hopewell

New Jersey is hosting the IIMC Region II Conference in January 2020 at Resorts Hotel/Casino. Please see the save-the-date flyer in this edition of the Quill. Look for registration to open in November 2019.

A topic for the January Region II meeting will be the IIMC Region II Draft Rotation Policy. I have copied it for you to review and comment. All comments will be documented and shared with the membership in attendance at the Region II Conference meeting.

International Institute of Municipal Clerks Region II Director Agreement

Purpose:

To affirm the policy that the IIMC Region II Director position rotate among the states of Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia; to establish a schedule for that rotation; and to agree to the process for submitting the candidate's name to IIMC.

Policy:

The term of office for IIMC Region Directors is three years. Region II is represented by two directors whose terms are staggered. Each time one director ends a term, the next director shall be selected from the State Association next in the rotation schedule.

From the time of this agreement, Region II Directors will rotate according to the following schedule:

Delaware serves 2019-2022, term expires 2022
New Jersey elected May 2020
New Jersey serves 2020-2023, term expires 2023
Virginia elected May 2022
Virginia serves 2022-2025, term expires 2025
West Virginia elected May 2023
West Virginia serves 2023-2026, term expires 2026
Maryland elected May 2025
Maryland serves 2025-2028, term expires 2028
Pennsylvania elected May 2026
Delaware serves 2019-2022, term expires 2022



IIMC UPDATE FALL 2019



The candidate for Region II Director must meet the qualifications of office as outlined by IIMC:

- Be an IIMC member for at least three (3) years;
- Have served at least three (3) years as a Municipal Clerk or other office as defined by IIMC membership guidelines;
- Have attended at least two annual IIMC conferences. Attendance may include the conference at which the candidate's term would begin;
- Be a full member or additional full member of IIMC and if elected remain a full or additional full member during the term of office;
- Provide written support of candidacy from the candidate's legislative governmental body.
- Provide written support of candidacy from their state association.

Each Region II State Association will select a single nominee through its own selection process. Each state's selection of a nominee will occur with sufficient time to forward the name of the nominee for confirmation to each of the other Region II states. Confirmation shall be by vote of each state association with an endorsement letter being sent to the nominee at least (90) days prior to the deadline for it being submitted to IIMC. The IIMC filing deadline is mid-January.

In the event that a state association has no eligible candidate for the Region II Director position, that state association may pass on their turn and the next state association in line may put forth a candidate.

If the vacancy occurs 120 days or less prior to the Annual Conference, the office remains vacant for the remainder of the term.

If the vacancy occurs more than 120 days prior to the Annual Conference:

- a). The IIMC President notifies the Board of Directors and the Presidents of the Municipal Clerks Associations within the Region in which there is a vacancy.
- b). The Municipal Clerks Associations may recommend one or more qualified candidates for consideration.
- c). Nominations are also accepted from any member in the Region.
- d). A new Region Director is elected to serve the remainder of the term and is eligible to be a candidate for a consecutive full three-year term.

This agreement is adopted the ____ day of _____, 2019, by agreement of the Presidents of the Delaware Municipal Clerks Association, the Virginia Municipal Clerks Association, the West Virginia Municipal Clerks and Records Association, the Pennsylvania Association of Municipal Administrators, the Maryland Municipal Clerks Association, and the Municipal Clerks Association of New Jersey,

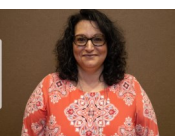
Terri and I look forward to attending the mid-year meeting in Greenville, South Carolina Thursday 14 November through Sunday, 17 November 2019. This mid-year meeting will begin with the Board's Development session continued from the meeting in Birmingham. The Development is regarding the latest IIMC Strategic Plan on Communication (internal and external); Image (internal and external); Education; and, Organization and Management. We will be discussing our strengths, weaknesses, threats and opportunities in each of the four areas.

As a Region II Director I am the fortunate one to be a part of the IIMC Education and Professional Development Committee. We recently approved a new online learning opportunity for IIMC members – NACo High Performance Leadership Academy. NACo is an online 12-week program that will empower frontline government professionals with the leadership skills to deliver results for their municipalities. Participants will engage in live events, video sessions and breakout group discussions.

The program focuses on five essential skills: Lead | Organize | Collaborate | Communicate | Deliver. This program has been approved for 8 CMC Experience or 8 MMC Advanced Education or 8 MMC Professional Contribution points upon completion of the 48-hour program. **Note:** NACo is offering a \$300 scholarship to all IIMC members to assist with registration fees for this program.

Have you checked out the new IIMC website? It is so user friendly and informative. Take some time in front of a screen with a cup of your favorite beverage and check it out!

Save the date and hope to see ya at the Region II Conference in January 2020. Enjoy the day, *Diane*



2nd Vice President Kim Marie White-Eastampton Township/Burlington County

EMAIL: 2vicepresident@njclerks.org

People Page-Continued

OCEAN COUNTY-Continued



Kathleen Wells -Ship Bottom Clerk

Wells, whose duties have included Acting Municipal Clerk, Municipal Clerk, Registrar, Celebrations Coordinator and most recently Borough Manager, has tendered her resignation with Sept. 17 as her final day in Ship Bottom Borough. Her resignation was met with regret from town officials at the Borough Council's last meeting of summer Aug. 27.

Mayor William Huelsenbeck surprised Wells with a Resolution outlining just some of her achievements since taking over the role of Municipal Clerk more than 15 years ago. Resolution 2019-126 was signed by the Mayor and Wells' Deputy Clerk, Sara Gresko.

"Kathleen Wells was instrumental in obtaining easement agreements from oceanfront homeowners after Superstorm Sandy necessary for the success of the beach replenishment program and worked tirelessly with the Army Corps of Engineers and New Jersey Department of Environmental Protection until its completion," the Resolution read in part.

It goes on to cite Wells for her "uncommon degree of public spiritedness" demonstrated by her volunteering and contributing to community activities such as the Annual Christmas Parade and various concert programs and events held in the Borough.

"She has given generously of her time and energy and within the spheres of her life and work, Kathleen Wells has established a model to emulate and set a standard of excellence toward which others might strive," the Resolution read. "Now, Therefore be it Resolved ... that the Governing Body does hereby honor and congratulate Kathleen Wells and commends her meritorious record of service and commitment and extends best wishes for continued success in all her endeavors."

The Proclamation also noted Wells is an esteemed member of the Municipal Clerks' Association of New Jersey and the Ocean County Municipal Clerks' Association where she served as treasurer and vice president, also served on the Education Committee, and is widely recognized for her knowledge and experience in the operation of the Office of the Municipal Clerk.

Wells received a standing ovation from Borough Officials and members of the public before Huelsenbeck introduced her replacement, Kristy Davis, the former Deputy Municipal Clerk in Beach Haven. Davis' last day there was Sept. 10.

Congratulations on your Retirement Kathleen & Congratulation to Kristy Davis in your new role as Municipal Clerk

UNION COUNTY

Liberty Avenue Park To Be Named After Former Clerk

On Saturday, October 5th, the Union County Freeholder Board named Liberty Avenue Park in Hillside in a ceremony. The park will be renamed Charlotte DeFilippo Park in honor of the former freeholder, Township Clerk and civic leader.

DeFilippo, who was born, raised and lived all of her life in Hillside, died in 2017. Her governmental and civic career spanned six decades at the local and county government levels.

Congratulations to Mary Clare Bunce on her appointment as Beach Haven Deputy Borough Clerk!

Condolences to the Family and Friends of Kerm Lewis, a former Berkeley Township Municipal Clerk, who died on July 4th. She was 94. Lewis spent 30 years in Berkeley, also serving on the Board of Health, member of the Planning Board, and Register of Vital Statistics. She was a past president of the Ocean County Municipal Clerks Association.

PASSAIC COUNTY

Salvatore DelVecchio was a veteran of [World War II](#) as a decorated Master Sergeant in the 215th Army Air Force in the European and Pacific theatres. Salvatore lived most of his life in Totowa, where he served as Councilman from 1959-1973, and as Council President from 1961-1973. He then became Totowa's Municipal Clerk for twenty years from 1973 until retirement in 1993. Salvatore was also a member of the Totowa First Aid Squad where he served as past president. Condolences to the Family and Friends of Salvatore.

MONMOUTH COUNTY

A new Municipal Clerk has been appointed in Millstone Township! On Sept. 4th, members of the Township Committee appointed Kathleen Hart to the position of Municipal Clerk. Hart was previously serving as Deputy Municipal Clerk. She will succeed Maria Dellasala, who retired from the Township on June 1. Hart has worked in Millstone for more than 13 years. Congratulations Kathleen!!

Laurie A. Roth has been reappointed to a three-year term as Allentown's Municipal Clerk and been granted tenure in the position.

Borough Council members passed a resolution to reappoint Roth during their Aug. 20th meeting. Roth's new three-year term will run from Oct. 5, 2019, through Oct. 4, 2022. **Congratulations Laurie!!!**



Treasury Denise Cafone-Fairfield Township/Essex County

EMAIL: treasurer@njclerks.org

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GERRYMANDERING, OPRA SERIAL REQUESTORS, KENTUCKY EX-COUNTY CLERK

By Richard A. Lustgarten, Esq.

During the debate over the adoption of the U.S. Constitution two central themes occurred. How are the States going to be protected from a strong central government and perhaps its overreaching, and what kind of representation would smaller states have to protect them from states with much larger populations. This debate centered around economic, social and political interests and especially the permissibility or not of slavery. Ultimately, it was agreed that the Federal Legislature would be bi-cameral so that there would be equal representation in the Senate and proportional representation in the House.

The Constitution, as adopted provides for two Senators from each State, regardless of population size, and at least one House Representative. (The disproportionate representation in the Senate is obvious when you look at current population figures. For example California, Texas and Florida have approximately 39 million, 28 million and 20 million people respectively. By contrast, Wyoming, Vermont, Alaska, Delaware and North and South Dakota have less than a million people a piece yet they each get 2 Senators all of whose votes count equally with those of the larger states. This structure can only change with a constitutional amendment (which is unlikely.)

The representation in the House is a different story and is based on proportional representation. The Reapportionment Act of 1929 established the number of 435 voting members. (There are 6 non-voting representatives, one each from Washington D.C., Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the U.S. Virgin Islands.) The approximate population of the United States in 2019 is 329 million. The "official" population number will not be established until the 2020 census is completed. Nevertheless, using the aforesaid number each Congressional District should have approximately 756,000 people. (329,000,000/435) So what is the problem? Over time major political parties have grouped various towns in such a way as to insure that a majority number of their voters are clustered in the voting district. Gerrymandering has been defined as manipulating boundaries of an electoral constituency so as to favor one party or class.

The word gerrymander purportedly refers to the 1812 governor of Massachusetts, Elbridge Gerry. In order to retain or increase political power he helped create a map with various districts one of which looked like a salamander. The pundits of the day easily coined the word Gerry-mander and the name has become synonymous with manipulating voter enclaves. In the United States, redistricting occurs every ten years after the census as been finalized.

In New Jersey we have the New Jersey Apportionment Commission consisting of ten members to create the forty election districts. Commission members are appointed by the two most successful political parties and if they can't agree on a map of districts the New Jersey Chief Justice appoints an eleventh member to break the tie and an official map is created. On the Federal level this task is accomplished by the New Jersey Redistricting Commission to create the 14 Congressional Districts currently allotted. (It is unknown at this point whether this number will increase or decrease after the 2020 census). According to the state constitution this Commission has 13 members and the 12 members appointed by the respective parties select a thirteenth. If they can't, the NJ Supreme Court chooses the 13th member from the name that is submitted by each side.

Here is a hypothetical. Imagine four congressional districts that are in part contiguous to each other. Suppose further that each is a "toss-up" district in that voter registration is fairly even between D's and R's. so that either party can win the district in any given election. Now suppose that redistricting removes say five percent of the voters of one party from three districts into one of the four districts creating a 65/35 in that fourth district. (15% of this district is scattered into other districts.) This would create a 55/45 majority in the three remaining districts for the moving party. The party moving voters into the 65/35 district would presumably lose that district, but would now win the three districts which have the 55/45 majority (absent unusual circumstances in any given election), a net gain of two seats where four before were up for grabs. Since history has demonstrated that it is in rare instances that people or parties in power voluntarily cede their power, gerrymandering permits "rigging the deck" before the first vote is cast.

A US Supreme Court case decided this past June, in a 5-4 decision written by the Chief Justice, has taken the Federal Judiciary out of the mix to decide if partisan gerrymandering violates any constitutional principle to insure fair elections under the premise of one person-one vote. The Court decided that congressional maps from Maryland and North Carolina could not be challenged in Federal court. The majority opined that partisan gerrymandering is a political question and not one suited for judicial relief. The artistic terms used for partisan gerrymandering are "packing" (include the other party's voters clustered into one district) and "cracking" (splitting up the other party's voters to reduce their impact in a given election) but I prefer dilution and addition as easier concepts. (See example above.)

GERRYMANDERING, OPRA SERIAL REQUESTORS, KENTUCKY EX-COUNTY CLERK-*Continued*
By Richard A. Lustgarten, Esq.

The majority opinion discounted prior court opinions relating to “one man/ one vote” (decided almost 60 years ago) poll taxes, literacy tests etc indicating that any standard to decide gerrymander cases must be grounded in a limited and precise rationale and be clear, manageable, and politically neutral. The majority indicated that the Federal judiciary was incapable of creating such a test to apply to gerrymander cases although that’s exactly what the lower courts did.

The dissent argued that gerrymandering debases and dishonors democracy in that contrived districts deprive voters of a fair chance to advance their policies and political beliefs. The dissent emphasized that the facts of the cases were egregious examples of partisan gerrymandering. In North Carolina, the Republican redistricting resulted in Republican candidates winning 9 of 13 House seats (almost 70%) while they received only 49% of the statewide vote. In the next election, Republicans won 10 of the 13 seats (@76%) while receiving only 55% of the votes.

In Maryland the parties were reversed. The Democratic redistricting map provided that it won 7 of 8 House seats (87.5%) while receiving no more than 65% of the statewide vote. Clearly, partisan gerrymandering is a tool used by both national parties. One confusing part of the majority’s decision is the statement that it doesn’t condone excessive partisan gerrymandering. The majority refers to the various States which are considering the question by amending their State constitutions or enacting legislation which would make for a more fair process. It also refers to Congressional action and to a Fairness and Independence in Redistricting Act which was first introduced in 2005 and continuously reintroduced each session with no action being taken. Presumably, legal challenges to State remedies will take place in State courts but the question I suggest is why are State judges better equipped to decide these cases than Federal judges? I believe they are equally capable but the Chief Justice’s majority opinion says otherwise. The federal judiciary, by this decision, is removed from the process unless and until some future case reverses or modifies it. Consequently, if you’ll allow me, while Elbridge Gerry is tagged with creating the salamander, today districts have the imprint of elephants or donkeys.

The problem of serial OPRA requestors has plagued municipalities for some time. This is the individual who, under the guise of “good government watchdog” makes so many requests in so short a time as to overwhelm the Clerk’s office. In larger towns it is a major and costly burden and in smaller communities a major interference with the orderly processing of town business. Recently, in Bergen County, a large number of requests was made by one individual. The town went to court to try and obtain injunctive relief. This was denied. (Courts are reluctant to determine what is a legitimate request based on content and one that is simply harassing because of volume. It would require an evidentiary hearing with respect to motive, necessity etc. which OPRA does not require.) The town appealed but during its pendency the matter was settled so no authoritative appellate opinion was issued. Unlike the common law right to know, OPRA does not require an inquiry into motivation, need, or a balancing of interests between the requestor and the record custodian. If the document is a public record, it must be released subject to appropriate redactions. There is no easy solution to this problem. I have thought about one approach that needs refinement but this might be a first step. The statute could be amended to create a sliding scale of time for response. For example, the first ten requests in any seven day business cycle would require the current seven day response. If the same requestor makes additional requests in the next seven to thirty day business cycle the timeframe for response would increase from say fourteen to twenty days. Expanding the timeframes for the serial requestor response would slow down the process but not prevent requestors who want multiple documents for “legitimate” or non-harassing reasons. To avoid a serial requestor from engaging friends to make concurrent requests, a certification could be added, under penalties of perjury, that the request is being made for the requestor and not for someone else.

More thought needs to establish realistic timeframes with the premise being that documents need to be released, but in a reasonable manner that doesn’t unduly burden the custodian. Right now, when an excessive multi-document requestor is asked why he/she wants so many documents, the typical response is that it is my right and I don’t have to tell you anything. While I agree that motive should not be questioned because it undermines the purpose of OPRA, OPRA should not be allowed to be used by abusive individuals whose true purpose is to harass and annoy (just because they can), but should be amended to accommodate all interested parties including the community at large whose well being may be negatively impacted by tying up the Clerk’s office with these requests preventing or delaying equally important tasks from being timely addressed and completed. Exceptions to the timeframes can be written in, for example, to accommodate news agencies, or when the request relates to a pending and immediate issue of public importance. These terms have to be clearly defined but I think the discussion is worth having.

Continued on Page 17



Immediate Past President Kevin Galland-Woodland Park Borough/Passaic County-OPRA UPDATE

EMAIL: ImmediatePastPresident@njclerks.org

On June 17, 2019, Senator Weinberg was successful in moving her proposed amendments to the Open Public Meetings Act (S-106) and to the Open Public Records Act (S-107) out of committee, with a scheduled vote of the full Senate for June 20th. On June 19th, the Municipal Clerks' Association of New Jersey (MCANJ) sent a letter to each of the Senators documenting its dissent to the amendments, as well as the current law, and appealing 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. The New Jersey Association of Counties as well as the New Jersey League of Municipalities (NJLM) expressed their dissent in a similar manner.

As a result of our efforts, along with the efforts of the other Associations, the bills were pulled from the June 20th Agenda. Since that date, it appears that the issue has taken a back-seat to all of the other troubling issues facing Trenton.

Going forward, the MCANJ and the NJLM are jointly working on a draft resolution endorsing the concept of forming a Commission as described above. When finalized it shall be distributed to all counties, municipalities and schools so that their respective governing bodies may consider endorsing the concept by encouraging their legislatures to act on this vital matter.

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 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 2019 - 2020 the following application must be filed by January 15, 2020 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, 2020 through June 30, 2021.

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 2020 - 2021.

Signature

Date

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

APPLICATIONS MUST BE RECEIVED BY JANUARY 15, 2020 AND MUST BE MAILED TO:

Michele Bobrowski, Township of Alexandria , 242 Little York-Mt. Pleasant Road, Milford, NJ 08818

(908) 996-7071 ext. 210 secretary@njclerks.org

PEOPLE PAGE-Continued

HUNTERDON COUNTY



Cathy Drummond, Hampton Borough Clerk retires after 30 years

Cathy Drummond spent a total of nearly 30 years working for the Borough of Hampton and has held her RMC since 2005. During this time Cathy faced issues that thankfully others have not had to overcome. Cathy earned her EMT and volunteered many hours to Hampton and the surrounding communities in that capacity. The Borough Mayor, Council, employees, several residents and many fellow Clerks attended her retirement party on June 7th. Cathy said that it was so nice to have been acknowledged by my friends and coworkers.

Congratulations Cathy of your Retirement!!

SOMERSET COUNTY

Longtime Borough Employee Robin Ray was named Deputy Clerk of Bedminster on September 3rd. Robin is the Township's Recreation Director, Website Manager, and Alternate Registrar. Robin has been on the municipal staff since 2002 and is Past President of the Friends of the Jacobus Vanderveer House. ***Congratulation Robin!!!***

BERGEN COUNTY:

On August 8th, Palisades Park Borough Clerk Gina Kim and Palisades Park Police Officer Steven Kim got married during Gina's lunch break in council chambers in front of co-workers, friends, and family. The Bride and Groom chose the 8th to get married because they wanted to share their special day with everyone at Borough Hall. The ceremony was performed by Mayor Christopher Chung and Borough Administrator David Lorenzo recorded the ceremony on his phone. Gina also said she chose August 8th because the date represents the infinity symbol. The couple plan on having a formal wedding reception in February, but wanted a small ceremony in the summer. There was a catered lunch after the ceremony and then Gina wearing her white dress went back to the office where she finished out her work day!!!



Congratulations to Franklin Lakes Borough Clerk Sally Bleeker on her last day of work today; (she officially retired on June 30, 2019)! She is pictured at the June 13, 2019 Meeting of the Bergen County Municipal Clerks' Association at which she was presented a Ceremonial Resolution and an engraved clock from the BCMCA and an engraved letter opener from the MCANJ. (L-R BCMCA Resolutions Committee Chairman Drew Pavlica, Sally Bleeker, BCMCA President Sercan Zoklu and MCANJ Advisory Board Rep. Heather Mailander).

HUDSON COUNTY

Congratulations to Madelene Medina on becoming Bayonne City Clerk!

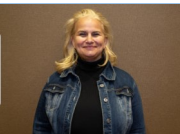


The City of Bayonne honored their City Clerk, Robert Sloan, with a Key to the City and a street naming at their May 15th meeting – Robert worked 40 years in the City of Bayonne

Congratulations!!!

Secretary Michele Bobrowski-Alexandria Township/Hunterdon County

EMAIL: secretary@njclerks.org



By Richard A. Lustgarten, Esq.

You may recall that several years ago a Kentucky County Clerk (since defeated in her re-election bid) refused to issue marriage licenses to same-sex couples even after the US Supreme Court determined that such prohibition was unconstitutional. She indicated that since her name would be on the documentation, even if she didn't process the request, it would violate her religious beliefs against same-sex marriage. She was even temporarily jailed for contempt of court for her refusal. While jailed, her deputies commenced issuing licenses. She was ordered not to interfere with the process and was released. Ultimately, the State legislature modified the marriage form to appease her. But the matter did not stop there. The couple that was initially denied the license had sued and won, and thus were prevailing parties under Kentucky law and were eligible for an award of counsel fees and court costs in the amount of nearly \$225,000. The State of Kentucky argued that the Clerk should pay the judgment herself as it was she who violated the plaintiffs' rights. However, an appeals court decided that the State was responsible for the payment since the Clerk was a state agent with respect to issuing marriage licenses. Her troubles are not over. In a separate suit filed against her over the same issues, but by different plaintiffs, an appellate court has ruled that while she has protection in her official capacity under the doctrine of sovereign immunity, she can be sued individually. That case is in its early stages and I'm not sure how it can be reconciled with the judgment in the first case.

The rule of thumb to remember is that personal preferences or ethical and moral beliefs cannot supersede statutory responsibilities when in conflict. You either have to delegate the function, have someone specially appointed for the process or in an extreme case resign from office. You cannot, without exposing yourself to liability, just refuse to perform your duties. As the Kentucky case proceeds, I will provide updates.

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 Denise Cafone Treasurer @ Treasurer@NJClerts.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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NOMINATION FOR MUNICIPAL CLERK OF THE YEAR

A County Association or an individual Clerk may nominate a candidate for Municipal Clerk of the Year. Previous honorees are those individuals who have made positive contributions to our profession for the benefit of all of us. The Association invites you to submit the name of a Municipal Clerk who has had an impact on our profession and who should be considered for this prestigious honor.

All nominees must be members of the Municipal Clerks' Association of NJ, Inc., currently employed as Municipal Clerks and tenured in their positions. Current members of the Executive Board and former recipients of the award are not eligible. Qualifications must include activities within the MCANJ and may include related community and volunteer work. The selection of the annual "Municipal Clerk of the Year" is made by the Executive Board and announced at the Association's Annual Meeting during the Annual Education Conference held in the spring. Deadline for submission is **December 30, 2019**.

Nominee:	
Appointment Date:	
Municipality:	
Address:	
County:	

Qualifications of Nominee:

****Attach statement in support of Nominee's candidacy (maximum 500 words)**

Nomination made by:	
	<i>(Name of County Organization or Individual)</i>
Address:	
Contact Person:	
Address:	
Phone Number:	

APPLICATIONS MUST BE RECEIVED BY **DECEMBER 30, 2019** AND MUST BE MAILED TO:

	<p>Michele Bobrowski, Secretary c/o Alexandria Township 242 Little York-Mt. Pleasant Road Milford, New Jersey 08818 Phone: (908-996-7071) Email secretary@njclerks.org or bobrowskimichele@gmail.com</p>
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Executive Director Joel Popkin-Email: executivedirector@njclerks.org

Election Day

By Michele Lynn Seigfried

Up before dawn, polls open by six.
 So many problems we have to fix.
 Schedule and deal with the district boards.
 I'm thankful my town does not have wards.
 County forgot to publish an ad.
 The candidates call, frequently mad.
 Schedule annual poll worker class.
 Runoffs are a big pain in the *ss.
 Questions about mailing absentees.
 Ran out of Voting Authorities.
 What happened to the needle & string?
 Having to deal with redistricting.
 Machine ballots had to be redone.
 I have to say this isn't much fun.
 Complaints about political signs.
 Voters mad about long voting lines.
 Callers asking, "Where's my polling place?"
 Who is going to win this close race?
 Too many challengers at the polls.
 Staying calm as each conflict unfolds.
 Closing the polls is not before eight.
 We worked all day and it seems so late.
 Sometime later the votes will arrive.
 Sigh of relief! We always survive!



Michele Lynn Seigfried is the author of humorous, cozy mystery novels and a children's picture book author/illustrator. Michele was born and raised in New Jersey. In her mystery novels, she draws from her personal expertise in the area of municipal government, in which she has served for over 21 years in two different municipalities. She holds a B.A. in communication from the College of New Jersey with a minor in art. She obtained the Master Municipal Clerk certification from the International Institute of Municipal Clerks in 2010. She also holds the Registered Municipal Clerk certification and Certified Municipal Registrar Certifications from the State of New Jersey. **Pick up a copy now for the winter!!**



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DEADLINES FOR NEWSLETTER ITEMS

The deadline for People Page submissions for the January 2020 issue is December 2 ,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

The General News Articles deadline is December 10, 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

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.