

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.

PRESIDENT'S MESSAGE by Barbara M. Hawk

Summer is my favorite time of year and spending every weekend in Cape May makes it even better. I just love walking on the beach and being a "Beach Bum", and I enjoy watching and playing with my grandchildren on the beach. I hope all of you have had a wonderful and fun summer, as well!

But now, it's time to think about the upcoming League of Municipalities Convention in November. As of the deadline for writing this article, MCANJ 1st Vice President Heather Mailander and I have just sent the MCANJ program to the League of Municipalities. Heather has been working hard on the programs to maximize continuing education credits for our benefit. Look for details about these MCANJ programs in this issue of the Quill. The President of the International Institute of Municipal Clerks, Charles K. Tokar, will be speaking during our Annual Breakfast Meeting. Tickets for the Annual Meeting can be obtained from your Advisory Board Member in your County. If you don't know who to get them from, contact Joan Moreland, 2nd Vice President, and Municipal Clerk of Haddon Heights. Please make every effort to attend this year's Annual Meeting where we will be announcing "Clerk of the Year", and the Executive Board will be announcing the recipients of 10 free registrations for the Annual Education Conference to be held April 21-24, 2008.



I look forward to seeing all of you at this meeting as I consider each and every one of you a very important part of our Association.

In June we received notification from Bill Dressel, Executive Director of the New Jersey League of Municipalities, that the proposed FY 2008 State Budget would include language cutting \$10 million from the amount allocated to the Public Archives and Records Infrastructure Support (PARIS) Grants Program. This would represent a cut of 39 percent from the funding previously expected to be awarded in PARIS grants in 2008. I had our solicitor, Tom Segreto, compose a letter to members of the New Jersey State Legislature expressing the concerns we have regarding this cut. This letter was read by Bill Dressel at the Assembly Appropriations Committee. Following this hearing, I appointed Jane Williams-Warren, Municipal Clerk of Paterson City and John Mitch, Municipal Clerk of Woodbridge to meet with Assemblymen Louis Greenwald (District 6), Joe Cryan (District 20) and Kevin O'Toole (District 40) to explain the importance of stabilizing this funding source. The Committee had their first meeting on July 5, 2007. I thank all the Municipal Clerks who have had their governing bodies pass resolutions urging the restoration of full funding for County and Municipal PARIS grants.

I appointed an Ad hoc Committee to work with Christine Wilder and Allan Susen, Region II Director, regarding the possibility of New Jersey hosting the 2013 IIMC Conference in Atlantic City. Updates will follow from the committee.

I would like to leave you with this thought: The Little Things – "Slight not the still small voice of God in blessings of the little things".

You can always reach me at 856-784-1551 or email at: barbarakawk@comcast.net. Have a great fall and see you in November, 2007.

Barbara

Jim Doherty, Editor

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PAST EDITORS:

J. Ford Flagg, 1954-1959 John R. Zellwenger, 1960-1970
Joseph E. Bennett, 1971-1973 Harry C. Kates, 1974-1982
Janet L. Lynds, 1983-1993

Patricia Hullfish and Patricia Shuss, Co-Editors, 1994-1995
Patricia C. Shuss, 1996-2000 Nancy Hatton, 2001-2005

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MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.
EXECUTIVE BOARD 2007

President: Barbara M. Hawk, Laurel Springs Borough
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First Vice President: Heather A. Mailander, Ridgewood Village
E-mail: hmailander@ridgewoodnj.net

Second Vice President: Joan Moreland, Haddon Heights Borough
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Treasurer: Vincent Buttiglieri, South Plainfield Borough
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Secretary: Joanne M. Kwasniewski, Fair Lawn Borough,
E-mail: munclerk@fairlawn.org

Immediate Past President: Elaine B. Kennedy, Eagleswood Twp.
E-mail: ebeverly@comcast.net

Administrative Consultant: L. Manuel Hirshblond

Legal Counsel: Thomas A. Segreto

PAST PRESIDENTS*EX OFFICIO MEMBERS

1974*Joseph V. Valenti	1994*Kathleen A. Thorpe
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1978*Norma B. Sisco	1997*Elizabeth H. Kiss
1981*L. Manuel Hirshblond	1998*Lynn Stanzlaus
1983*James F. O'Keefe	1999*Bernadette Dubuss
1985*Elizabeth G. Nolan	2000*Nancy Hatten
1987*Lewis N. Thompson	2001*Sharon L. Brienza
1988*Elaine Wallace	2002*Bernadette Standowski
1990 *Ronald Nunnenkamp	2003*Allan Susen
1991*Mildred C. Bird	2004*Joel Popkin
1992*Barbara A. Camp	2005*Jane Williams-Warren
1993*John J. Galvin	2006*Elaine B. Kennedy

ADVISORY BOARD MEMBERS

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Bergen:	Nancy Hatten, Tenafly Borough
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Camden:	Nancy Saffos, Cherry Hill Township
Cape May:	Theresa Tighe, Sea Isle City
Cumberland:	Keith Petrosky, Vineland City
Essex:	Linda Wanat, Montclair Township
Gloucester:	Dawn Marie Human, Wenonah Borough
Hudson:	Robert Byrne, Jersey City
Hunterdon:	Cecilia Covino, Town of Clinton
Mercer:	Sharon Young, West Windsor Township
Middlesex:	John Mitch, Woodbridge Township
Monmouth:	Barbara Bascom, Upper Freehold Twp
Morris:	Sheila Seifert, Rockaway Township
Ocean:	Bette Mastropasqua, Beachwood Borough
Passaic:	Jane Williams-Warren, Paterson City
Salem:	Maureen Abdill, Pilesgrove Township
Somerset:	Sharon Brienza, Branchburg Township
Sussex:	Denise Stagnari, Green Township
Union:	Kathleen Wisniewski, Springfield Township
Warren:	Theresa Tamburro, Blairstown Township

**New Jersey League of Municipalities
Program of Activities For Clerks:**

Tuesday, November 13, 2007:

10:00 a.m.: Joint Session With the Municipal Clerks Association, Tax Collectors and Treasurers Association, the Association of Municipal Assessors of NJ, and the Government Finance Officers Association: Legislative Update.
SEE PAGE 3 FOR DETAILS.

Wednesday November 14, 2007

8:15 am: Annual Business Meeting and Breakfast of the Municipal Clerks Association of New Jersey, in the Royal Swan Ballroom, Tropicana.
SEE PAGES 4 & 5 FOR DETAILS

2:00 p.m.: League Joint Session with Municipal Clerks: From Maintaining Decorum to Video Taping – Current Issues Affecting Municipal Meetings
SEE PAGE 3 FOR DETAILS.

3:15 p.m.: League Joint Session with Municipal Clerks' Association of New Jersey and Purchasing Officials: The New Pay to Play Laws—Finding Your Way Through Requirements
SEE PAGE 3 FOR DETAILS.

Thursday, November 15, 2007

10:00 am: Education Program of the Municipal Clerks Association of New Jersey: Update and Review of E.L.F. (Elections, Licensing and Finance)
SEE PAGE 3 FOR DETAILS

**OTHER OPPORTUNITIES FOR CEU AT THE
LEAGUE OF MUNICIPALITIES CONVENTION:**

November 13, 2007

2:00 p.m. – 3:40 p.m.: NJLOM, TCTANJ & GFOANJ Joint Session: BUDGET AND AUDIT HURDLES 2 Contact Hours. RMC-Finance

3:45 p.m. - 5:15 p.m.: NJLOM, TCTANJ & GFOANJ Joint Session: DIVISION OF PENSIONS AND BENEFITS UPDATE ON RETIREMENT PLANNING AND EMPLOYEE BENEFITS AND SERVICES – 1 Contact Hour RMC-Finance and .5 Contact Hour RMC-Professional Development

November 14, 2007

2:00 p.m. – 2:50 p.m. TCTANJ & GFOANJ Joint Session: CAPS LAW UPDATE – 1 Contact Hour RMC-Finance

November 15, 2007

9:30 a.m. – 10:30 a.m. TCTANJ & GFOANJ Joint Session: ETHICS IN LOCAL GOVERNMENT – 1 Contact Hour RMC-Ethics

10:45 a.m. – 12:00 Noon, TCTANJ GFOANJ & GPA Joint Session: PURCHASING UPDATE: ISSUES IN PROCUREMENT – 1.5 Contact hours RMC-Finance

JOINT SESSIONS AND EDUCATION PROGRAMS OF THE MUNICIPAL CLERKS ASSOCIATION DURING THE LEAGUE OF MUNICIPALITIES CONVENTION IN ATLANTIC CITY

TUESDAY, NOVEMBER 13, 2007

JOINT SESSION WITH THE MUNICIPAL CLERK'S ASSOCIATION, TAX COLLECTORS AND TREASURERS ASSOCIATION, THE ASSOCIATION OF MUNICIPAL ASSESSORS OF NEW JERSEY, AND THE GOVERNMENT FINANCE OFFICERS ASSOCIATION: LEGISLATIVE UPDATE

10:00 A.M. – 12:00 P.M. - Room 402 – Atlantic City Convention Center

(2 Contact Hours for RMC-Professional Development; CTC-Legislation; CFO/CCFO-Office Management/Ancillary Duties)

Speakers: Helen Yeldell, Senior Legislative Analyst, NJ State League of Municipalities
Susan Jacobucci, Director, Division of Local Government Services
Elaine Kennedy, RMC, Clerk/Administrator of Eagleswood Township; Immediate Past President, MCANJ
Jacqueline Do, CFO/CTC, TCTANJ Legislative Chairperson
Michael Barker, CTA, Assessor, Village of

Ridgewood

WEDNESDAY, NOVEMBER 14, 2007

LEAGUE JOINT SESSION WITH MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY: FROM MAINTAINING DECORUM TO VIDEOTAPING-CURRENT ISSUES AFFECTING MUNICIPAL MEETINGS.

2:00 P.M. – 3:30 P.M. Room 320 – Atlantic City Convention Center. (1.5 Contact Hours for RMC-Professional Development)

Do you have trouble keeping order in your municipal meetings so that important business can be accomplished? Do you want to impose more rules, but are not sure exactly what you can and cannot do to maintain decorum at the meeting under the law? Have members of the public asked to videotape your council meeting, and you are concerned about the impact that process may have on the meeting? Listen to municipal attorneys discuss the latest developments concerning what you can and cannot do to facilitate orderly and efficient meetings in compliance with current law on the subject.

Presiding: Corey Fuller, Deputy Mayor, Chatham

Speakers: John Gillespie, Parker, McCay & Criscuolo, P.A., Marlton, NJ
Jason Holt, Corporation Counsel, City of East Orange
William J. Kearns, Jr., Kearns, Vasallo, and Kearns, Willingboro, NJ
Joan Moreland, 2nd Vice President, MCANJ and Municipal Clerk, Haddon Heights, NJ

LEAGUE JOINT SESSION WITH MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY AND PURCHASING OFFICIALS: THE NEW PAY TO PLAY LAWS-FINDING YOUR WAY THROUGH THE REQUIREMENTS.

3:45 P.M.–5:15 P.M. - Room 411 - Atlantic City Convention Center. (1.5 Contact Hours for RMC-Ethics)

Do you have a nagging fear that despite the best efforts of the mayor, governing body, and staff, your municipality may still not be in full compliance with every aspect of the new Pay to Play laws because the requirements are so confusing? Between the prohibition elements, the disclosure elements and the new forms, it is easy to lose your way. Our panel of experts will clarify just what your community must do to comply with these new rules concerning public contracts and campaign contributions.

Presiding: Paul C. Brush, Mayor, Toms River

Speakers: Elaine Kennedy, RMC, Clerk/Administrator of Eagleswood Township; Immediate Past President, MCANJ
John Belardo, League Associate Counsel, DiFrancesco, Bateman, Coley, Yospin, Kunzman, David & Lehrer
Susan Jacobucci, Director, Division of
Local Government Services, Department of Community Affairs
Richard Pucci, Mayor, Monroe Township

(Middlesex County)

THURSDAY, NOVEMBER 15, 2007

UPDATE AND REVIEW OF E.L.F. (ELECTIONS, LICENSING, AND FINANCE)

10:00 A.M.-12:00 P.M. – Room 415 – Atlantic City Convention Center (RMC-.5 Contact Hour, Elections; .5 Contact Hour, Licensing; 1 Contact Hour, Finance)

This session will provide both new and long-time Municipal Clerks with a review and update of recent legislation which has made changes in the areas of Elections, Licensing, and Finance. It will be an excellent update for Municipal Clerks who have not taken RMC classes for several years, as well as a great review for those who have not yet taken the RMC exam. Topics will include: the Presidential Primary Election; enacted and proposed election legislation; procedures for Pay to Play; The Lazy Bidder Law; compliance with certain "CORE" legal requirements; bid quotes & thresholds; changes in Cap exceptions; Prompt Payment law; "No Monday Bid" law; LOSAP-award increases; SAGE-System for Electronic Grant Applications; consumer wine tasting; social affair and catering permits; farm and plenary winery outlet sales; BYOB regulations; duck races; casino nights; and "Night

**ANNUAL BUSINESS MEETING AND BREAKFAST OF THE
MUNICIPAL CLERKS ASSOCIATION OF NEW JERSEY**

WEDNESDAY, NOVEMBER 14, 2007

8:15 a.m. - Tropicana - Royal Swan Ballroom

BUFFET BREAKFAST 8:15 a.m.

Call to Order and Welcome: BARBARA M. HAWK, President MCANJ; Municipal Clerk, Laurel Springs Borough

Roll Call of Officers: JOANNE M. KWASNIEWSKI, Secretary; Municipal Clerk, Fair Lawn Borough

Invocation: DAVID C. MELDRUM, Pastor of Laurel Springs Baptist Church

Flag Salute: L. MANUEL HIRSHBLOND, MCANJ Administrative Consultant

Approval of Minutes: Annual Meeting of November 15, 2006

Reports:

Treasurer's Report: VINCENT BUTTIGLIERI, Municipal Clerk, South Plainfield Borough

Legal Update: THOMAS SEGRETO, Esq., MCANJ Legal Counsel, Scarinci & Hollenbeck, LLC

Introduction of Candidates: JOANNE M. KWASNIEWSKI, Municipal Clerk, Fair Lawn Borough, will announce the candidacy of ANDREW J. PAVLICA, Municipal Clerk, Garfield City for 2008 MCANJ Secretary

VOTE

Constitution and Bylaws Amendments: Proposed Changes in Meeting Dates

Recognition of 2007 Committee Chairs: BARBARA M. HAWK, President, MCANJ; Municipal Clerk, Laurel Springs Borough

Constitution and Bylaws Committee: HAROLD WIENER, Municipal Clerk, Irvington Township

Education Committee: ANDREW J. PAVLICA, Municipal Clerk, Garfield City

Education Conference Committee: JOEL POPKIN, Co-Chair, Municipal Clerk, Neptune City Borough and
ELAINE B. KENNEDY, Co-Chair, Municipal Clerk, Eagleswood Borough

Finance Committee: VINCENT BUTTIGLIERI, Municipal Clerk, South Plainfield Borough

Fundraising Committee: KATHLEEN WISNIEWSKI, Municipal Clerk, Springfield Township (Union)

Information Technology/Web Page: ELIZABETH MASTROPASQUA, Municipal Clerk, Beachwood Borough

Legal Defense Fund: SHARON BRIENZA, Municipal Clerk, Branchburg Township

Legislative Committee: ELAINE B. KENNEDY, Co-Chair, Municipal Clerk, Eagleswood Township and
LEWIS THOMPSON, Co-Chair, Municipal Clerk, Millville City

Laws Affecting Municipal Clerks: GREGORY HART, Chair, Municipal Clerk, Old Tappan Borough and

MICHELE AULETTA, Chair, Municipal Clerk, Washington Township (Mercer)

Manual Review Committee: LORI BUCKELEW, Municipal Clerk, Lambertville City

Membership North: SANDRA JONES, Municipal Clerk, Bernardsville Borough

Membership Central: GRETCHEN MCCARTHY, Municipal Clerk, Jamesburg Borough

Membership South: CAROL RAPH, Municipal Clerk, Northfield City

Continued on Page 5

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**ANNUAL BUSINESS MEETING AND BREAKFAST OF THE
MUNICIPAL CLERKS ASSOCIATION OF NEW JERSEY
WEDNESDAY, NOVEMBER 14, 2007, 8:15 a.m. - Tropicana - Royal Swan Ballroom
(Agenda continued from Page 4)**

Mini Conference North: KELLEY SMITH, Municipal Clerk, Harmony Township and
DIANE PFLUGFELDER, Municipal Clerk, Bethlehem Township

Mini Conference Central: SHARON YOUNG, Municipal Clerk, West Windsor Township and
MICHELE AULETTA, Municipal Clerk, Washington Township (Mercer)

Mini Conference South: NANCY L. SAFFOS, Municipal Clerk, Cherry Hill Township and
PATRICIA A. FRONTINO, Municipal Clerk, Glassboro Borough

Elections: LINDA WANAT, Co-Chair, Municipal Clerk, Montclair Township and
JANE WILLIAMS-WARREN, Co-Chair, Municipal Clerk, Paterson City

Peer Alliance for Learning: CECILIA COVINO, Municipal Clerk, Clinton Township and
DENISE STAGNARI, Municipal Clerk, Green Township

Professional Development: MARY MADONNA, Municipal Clerk, Surf City Borough

Public Relations–MCANJ Booth: LYDIA MAGNOTTI, Municipal Clerk, Jefferson Township

Quill: JAMES DOHERTY, Municipal Clerk, Wantage Township

Past Presidents’ Council: JANE WILLIAMS-WARREN, Municipal Clerk, Paterson City

Records: DENISE SZABO, Municipal Clerk, Bernards Township

Resolutions: VITA MEKOVETZ, Municipal Clerk, Readington Township

Scholarship: BONNIE LEONETTI, Municipal Clerk, Long Beach Township

Announcement of Scholarship Winners: BONNIE LEONETTI, Municipal Clerk, Long Beach Township

Tribute to Retired Members: VITA MEKOVETZ, Municipal Clerk, Readington Township

Tribute to Deceased Members: VITA MEKOVETZ, Municipal Clerk, Readington Township

Speaker: CHARLES TOKAR, IIMC PRESIDENT

State of the Association Address: BARBARA M. HAWK, President, MCANJ

Recognition of 2007 Certified Municipal Clerk and Master Municipal Clerk Awards:
ALLAN SUSEN, IIMC Region II Director; Municipal Clerk, Haledon Borough

Recognition of Instructors of Municipal Clerks Courses:
PAMELA MORLEY-CHAPPELLE, Associate Program Specialist, Rutgers University

Announcement of 2007 Registered Municipal Clerks Certification Recipients:
ANDREW J. PAVLICA, Education Chairman; Municipal Clerk, Garfield City

***(Reminder for RMC/CMC/MMC Recipients to remain after the meeting for pictures and pins)**

Presentation of the 2007 Municipal Clerk of the Year Award:
LINDA WANAT, “2006 Municipal Clerk of the Year”, Municipal Clerk, Montclair Township

2008 Slate of Officers: JOANNE M. KWASNIEWSKI, MCANJ Secretary; Municipal Clerk, Fair Lawn Borough

Motion to Cast Ballot for 2008 Slate of Officers:

President: HEATHER A. MAILANDER, Ridgewood Village
1st Vice President: JOAN D. MORELAND, Haddon Heights Borough
2nd Vice President: VINCENT BUTTIGLIERI, South Plainfield Borough
Treasurer: JOANNE M. KWASNIEWSKI, Fair Lawn Borough
Secretary: ANDREW J. PAVLICA, Garfield City
Immediate Past President: BARBARA M. HAWK, Laurel Springs Borough

Administration of Oath to Officers: DAVID T. PFUND, Attorney, Mayor, Village of Ridgewood
Introduction of President’s Guests: BARBARA M. HAWK, President, MCANJ; Municipal Clerk, Laurel Spring Borough
Acknowledgements to Outgoing President BARBARA M. HAWK
Remarks by President-Elect: HEATHER A. MAILANDER, President-Elect, MCANJ; Municipal Clerk, Ridgewood Village
Introduction of President-Elect’s Guests: HEATHER A. MAILANDER, President-Elect, MCANJ
Acknowledgements to President-Elect HEATHER A. MAILANDER

Adjournment

PEOPLE PAGE *by Sharon Brienza*

MUNICIPAL CLERKS' WEEK

Even though this information is a little late since this was in April/May, I wanted to share some of the ways Municipal Clerks were recognized during Municipal Clerks' Week:

Union County Clerk, Joanne Rajoppi held a luncheon to honor of all the Union County Municipal Clerks and to thank them for a job well done. The luncheon was held at the Merchant and Drovers Inn, Rahway. For the last few years the County Clerk has held the luncheon at a different historical site in Union County.

The Somerset County Board of Chosen Freeholders recognized Municipal Clerks Week and presented Patricia DeRocco, President of the Somerset County Clerks' Association, with a framed copy of the Proclamation.



Freeholder Chair Robert Zaborowski
and Patricia DeRocco

Numerous Mayors and Governing bodies issued Proclamations and several Municipal Clerks also received gifts from their governing bodies and staff including flowers and fruit baskets, and Theresa Tamburro, Blaiirstown (Warren County), had a luncheon in her honor. Most Municipal Clerks displayed their Proclamations in their Municipal Buildings along with the Governor's Proclamation that Sharon Brienza had sent out. I think we can all agree it is a special feeling to be recognized by your governing body and co-workers.

GET WELL WISHES

Hardwick Township Clerk Judy Fischer is recuperating from double-knee replacement surgery. Get well soon!

CONGRATULATIONS

Elaine M. Jasko (Perth Amboy) and President of the Middlesex County Clerks' Association who was selected and appointed by the Supreme Court of New Jersey for membership and service on the District Ethics Committee for Middlesex County for a four-year term, beginning September 1, 2007. The purpose of this committee is to ensure the important goals of the attorney disciplinary system are met.

Retired Township of Neptune Clerk, Joseph Bennett, shares a May 17 newspaper article from the Asbury Park Press about Dorothy Horner, Municipal Clerk from Ocean Township. The article reports that after 46 years in her position, she is not ready to step down yet! Some of the hometown feeling is lost in a busier, more hectic world, but she loves her job and claims it keeps her "alert and alive." After 46 years - You go, girl!!!

The Warren County Clerks Association held elections for County officers during their May meeting. The new officers are: President Teresa DeMont (Belvidere), Vice-president Kelly Smith (Harmony), Secretary Lisa Patton (Knowlton) and Treasurer Kathleen Rinaldi (White).

Drew Pavlica joined 18 other Master Municipal Clerks in the State of New Jersey and 531 worldwide when he received the prestigious MMC designation by completing all four levels in the MMC Academy. IIMC President Marcella H. O' Connor stated this "symbolizes his status as a true Municipal Clerk professional" and for everyone who knows Drew, no statement could be truer!

MOVING UP

Many of you may remember Patricia Kolb, former Blaiirstown (Warren County) Municipal Clerk who left her position to work for the County. With the retirement of County Clerk Terrence Lee, Pat has now thrown her hat into the ring for that position and won the Republication Primary Election. By the time this issue hits your desk, the election may be over. Pat, just know we all wish (or wished) you the best of luck.

MOVING ON

Vito Gadaleta has announced the end of his Clerk's tenure with Sussex Borough, effective December 31, 2007. Vito, who is also the retired clerk of Allenhurst Borough, says it was his pleasure to have served the Borough of Sussex for the past three years, and he is thankful for the friendships he made in Sussex County. Vito looks forward to a continued relationship with the MCANJ.

Continued on Page 8

Meet Your Candidate for 2008 MCANJ Secretary Drew Pavlica, RMC/CMC/MMC

My career in local government began in the working class City of Garfield, which is also known as "The City of Champions". I grew up there and I am the fourth generation of my family to have lived there. I was appointed, in the 1980's, to the Garfield Library Board of Trustees, the Planning Board and the Zoning Board of Adjustment. At that time, I was part of a group of young men in their 20's serving in the government and we were nicknamed "The Kiddie Corps" by our City Manager. Having graduated a few years earlier from Montclair State with a degree in Broadcasting, I also used to produce and direct my Mayor's local public access cable TV program.

I was appointed Garfield City Clerk in 1987 and received my RMC designation in 1988 and my CMC designation in 1995. I became a Master Municipal Clerk this past January 2007.

In 2003, I was made Deputy City Manager of the City of Garfield.

I have served the Bergen County Municipal Clerks' Association (BCMCA) as its President in 2003, having moved through the ranks of Secretary, Treasurer and Vice President. I have served on the BCMCA Executive Board after my Presidency and have served on several BCMCA Committees, including Auditing, Education, Resolutions and Peer-to-Peer, and I am the 2007 Chairman of the BCMCA Education and Resolutions Committees.

I have served on several Committees for the Municipal Clerks Association of New Jersey (MCANJ), including Constitution and By-Laws, Manual Review and various Conference Committees. I am currently the Chairman of the vital MCANJ Education Committee.

With a strong sentiment concerning the importance of education, professionalism and networking, I have attended annual International Institute of Municipal Clerks (IIMC) Conferences in Saint Paul, Minnesota, and New Orleans, Louisiana, and plan on attending future annual IIMC Conferences in the years to come.

Being human, like everyone else, I have my faults, but I have my strong points, too. I know that I can be a devoted person as exhibited by the fact that I have never missed a City Council meeting in over twenty years of service as a Municipal Clerk in my municipality. And I have tried to give back to my vocation by compiling a two volume "Compendium of Ceremonial Resolutions and Proclamations" which has proven to be a useful tool to the Municipal Clerks in Bergen County and those who have obtained copies outside of Bergen County.

I have also tried to give back to others, in other ways, having served locally as President of the Garfield YMCA and the Garfield Rotary Club. I have also served as a Commissioner of the Suburban Essex Joint Insurance Fund.

I am proud to be a Municipal Clerk, and to be an active member of the Bergen County Municipal Clerks' Association and the Municipal Clerks Association of New Jersey. I pledge to do my best, to use all my education, experience and talents to serve and improve our profession and Association. It is an honor to be a candidate for Secretary of the MCANJ, and I look forward to the challenges ahead.



PEOPLE PAGE, continued from page 6

CONDOLENCES

Thomas A. Ferguson, 34, Borough Administrator/Borough Clerk of Spring Lake, passed away Thursday, June 14, after a courageous battle with cancer. Tom is survived by his beloved wife of 9 1/2 years, Julie; his adored three year-old son, Andrew and his large extended family — the borough staff, the council and community volunteers and leaders of Spring Lake. Tom's years working in Spring Lake were the most personally and professionally fulfilling of his life. Spring Lake, his wife, his son and the Yankees were his passions. Contributions can be made to the "Run for Tom" fund, www.runfortom.com.

Bernards Township (Somerset County) Clerk Denise Szabo's husband of 33 years, William, passed away after a long illness. In addition to Denise, surviving are their sons Thomas, Christopher and David and daughter, Cheryl. Please consider memorial donations to Memorial Sloan-Kettering Cancer Center, P.O. Box 27106, New York, N.Y. 10087-7106.

James Leonetti, husband of Bonnie, Municipal Clerk/Administrator (Long Beach Township, Ocean County) passed away from a massive heart attack suffered during a diabetes episode. In addition to Bonnie, survivors include his son James and devoted dog Hudson. Contributions can be made to the Beach Haven First Aid Squad, 300 Engleside Ave., Beach Haven, NJ 08008, or the American Diabetes Association, P.O. Box 11454, Alexandria, VA 22312, in Jim Leonetti's memory.

We extend our heartfelt condolences on the recent passing of the brother of Jane Warren Williams (Past President MCANJ, Paterson Clerk). Michael Williams was hit by a car while waiting at the Secaucus bus shelter to catch a bus home. He lived with Jane and her husband Albert. Jane reported the family is relying on their strong Christian values to cope with loss and feel compassion for the woman who ran her car through the shelter. Please keep Jane and her family in your hearts and prayers.

Debbie Fehre's, (Administrator/Clerk of Englewood Cliffs, Bergen County), father Jim Wagner, passed away. Jim was the Shade Tree Inspector for the Borough Emerson until the time of his death.

Former Franklin Township (Somerset County) Municipal Clerk Lucie Anne Lombardo passed away July 3. Lucie left her position in the early 1970s. After some time, she returned to the work force as president of the office equipment supply company Business World Inc. in Branchburg. She held this position from 1984 to 1997. Please consider memorial donations to Memorial Sloan-Kettering Cancer Center, P.O. Box 27106, New York, N.Y. 10087-7106.

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I Abstain; Circumstances and Effects of Abstentions at Public Meetings

By: Thomas A. Segreto, MCANJ legal counsel

A member of the governing body announces they are abstaining from voting and everyone looks around at each other, and then to you with the following inquiry: can he/she do that and what does that mean? This article attempts to give Municipal Clerks some helpful guidance in making sense of this often occurring, but occasionally misunderstood happening. The ultimate legal resolution of a procedural quagmire should be based upon the given facts and circumstances of an issue and in consultation with your municipal attorney.

The first thing you need to do is review your charter, ordinances and/or bylaws to see if there is an already established procedure (not preempted by statute) to follow where there is a question of abstention. Next, the question becomes whether there is a quorum present to vote upon the proposed action. Finally, the question is what kind of action is to be voted upon.

Pursuant to **N.J.S.A.** 1:1-2 and **N.J.S.A.** 40:42-1, a municipality is a municipal corporation meaning it is a public body organized as with a corporate structure and acts generally as a corporation acts. As with any corporation, a municipal corporation is empowered to enact a charter, adopt bylaws and enact ordinances for its orderly operation. In some instances, statutes establish an operational framework within which a municipality governs based upon the chosen form of government. If your municipality's charter, ordinances and/or bylaws establish a procedure by which votes are counted and how abstentions are treated, unless clearly illegal, the members of the governing body should follow the procedures set forth in the charter, ordinances and/or bylaws or established statutory scheme. In the absence of such directions, and in the absence of a statutory scheme, most municipalities and courts use Roberts Rules of Order (hereinafter "Roberts") as the basis for determining the effect of an abstention. Roberts, 10th Edition is the current version of the classic guide to parliamentary procedure and is instructive in all aspects of the conduct of meetings.

With regard to personal interests, Roberts advises us that "members cannot be compelled to abstain from voting on the grounds of personal interest, even though they should do so". Public officials, employees (and especially the Municipal Attorney) should be familiar with the provisions of the Local Government Ethics Law, **N.J.S.A.** 40A:9-22.1 et seq. (LGEL) and are responsible for their own compliance or noncompliance. Keep in mind that the statutory functions and duties of Municipal Clerk do not include the role of "public conscience".

Under Roberts, abstention is the negative corollary right related to the right to vote on a particular matter. Roberts identifies those circumstances in which a member of a voting body should abstain from voting. "*No member should vote on a question in which he has a direct personal or pecuniary interest not common to other members of the organization. For example, if a motion proposes that the organization enter into a contract with a commercial firm of which a member of the organization is an officer and from which contract he would derive personal pecuniary profit, the member should abstain from voting on the motion.*" (Chapter XIII, pg 394) LGEL at **N.J.S.A.** 40A:9-22.5 creates an affirmative duty to abstain under like circumstances and instead of should, the statute uses "shall" and "shall not". Clearly, the guidance of Roberts is not a defense to a charge of violating the LGEL.

Where there is a question relating to whether there remains a quorum (a majority of the whole number of the fully authorized members of the board) to conduct business, the board should keep in mind that an abstention does not mean the member was not present; an abstention means the member did not vote on a matter. Where there is an abstention based upon a LGEL prohibition, or other circumstance sounding in conflict, courts have ruled that the member should physically remove him/herself (recusal) from the dais and sit with members of the public so as to avoid the appearance that he/she is affecting the vote.

A question arises when there is a bare quorum, meaning there are just enough members constituting a majority of the membership to commence the meeting under the Open Public Meetings Act **N.J.S.A.** 10:4-6 et seq. (OPMA) Under OPMA, the definition of "meeting" is "*any gathering whether corporeal or by means of communication equipment, which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body. Meeting does not mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.*" The key words in the definition as it relates to abstentions are "attended" and "open". It does not say, "participating". The difference is that so long as the gathering was open to the member and the member attended the gathering, it constitutes a "meeting" in which the public body may act. So long as the member of a public body whose attendance constitutes a bare quorum to conduct business does not leave the gathering, the strict letter of the law in the clear language of OPMA recognizes the gathering as a "meeting". OPMA does not address in the negative, those instances in which a member in attendance abstains from voting for whatever reason.

The effect of an abstention in regards to a vote may be significant depending on the facts and circumstance. If, for example, a vote requires 2/3 of the membership and 5 of 6 members show up for the meeting, 4 are still required to vote. If there is a "no" vote and an abstention, the motion does not pass. It is treated as a "no" vote, not simply the absence of a vote or the absence of the member. Another problem arises when there is a tie and the deciding vote to be cast by the presiding officer of the meeting is not cast by reason of abstention. Roberts explains that under such circumstances, the motion is lost. Additionally, it may very well be that the public body could not go into closed/executive session because the member who has a conflict should not "attend" the closed portion.

Continued on page 10

I Abstain: Circumstances and Effects of Abstentions at Public Meetings

By: Thomas A. Segreto, MCANJ legal counsel

Continued from Page 9

In short, Under OPMA, if a member attends a properly noticed proposed meeting of the public body, that member is counted for purposes of whether there is a meeting. Abstentions are not votes, but the exercise of the right to not vote. The implications of an abstention may be innocuous or could result in the defeat of a motion, by reason of a lack of effective affirmative votes. It could even result in the vitiation of a meeting, in which case actions taken at the open portion of a meeting could be voided. When in doubt, unless a statutorily exempted circumstance exists, it is safer to reschedule a meeting than to risk an action of the public body being challenged and potentially voided in the Superior Court by reason of the lack of an effective majority.

There are times when the importance of a particular matter transcends the potentiality of a conflict or other reason for a recusal. There is a concept in the law known as the Rule of Necessity. The Rule of Necessity is an equitable consideration in which the subject matter which requires a board's affirmative approval is of such nature that an abstention and/or recusal would either prevent the matter from being able to be heard or voted upon, or otherwise frustrate the ability to hear or vote on the matter. It should be used sparingly and in the most limited of circumstances.

Abstentions are not votes, but the exercise of the right to not vote.

For example: a deadline is approaching for action to be taken, and if the action is not taken, the entity could lose an advantage or worse, be subject to fines and penalties. A member is present or is otherwise available whose participation would result in a quorum to conduct business, or whose participation is essential by reason of a statute's language requiring a majority or super majority of the full authorized membership of the board, and that member has a conflict. A recusal may mean that a required act would not be authorized. The board member should articulate the basis for the otherwise conflict or other reason for recusal, and the attorney should be prepared to articulate the circumstances under which the Rule of Necessity should be invoked in that particular instance, after which the member should be permitted to participate. Proceeding in this matter puts the public on notice of the otherwise recusing member's desire to not participate, and the subject matter's imperative that the otherwise recusing member participate in the board's action. This, in my opinion would be consistent with N.J.S.A. 40A:9-22.5(i) which provides as follows:

"No local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group."

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SPOTLIGHT ON: CAMDEN COUNTY
21 stories of our Garden State; 21 stories to say “We’re Great!”

Many early settlers in late seventeenth and early eighteenth century West Jersey (modern-day South Jersey) were Quakers, who were persecuted in England for their religious beliefs and way of life. Many came to the area of Camden County, New Jersey, lured by the promise of religious freedom, equitable taxation, and representative government. Quakers were not the first people to arrive on New Jersey's shores. Some 13,000 years earlier, after a long migration eastward, the Paleo-Indians (Old Stone Age peoples), whose descendants eventually became known as the Lenape, had arrived. The Lenape were peace-loving, semi-nomadic people who lived in small family groups along the banks of waterways. The Quakers had also been preceded by a small band of Dutch families sent by the Dutch West India Company to establish a minor trading and fur post on the Delaware River.

Camden County institutions, municipalities, and streets bear the names of many who made this area their new home. Elizabeth Haddon, immortalized by Henry Wadsworth Longfellow in *Tales Of A Wayside Inn*, arrived in 1701 and gave the family name to "Haddon's Field."

A ferry operated as early as 1688 by William Royden, then by William Cooper, and after 1693, by Cooper's son. For nearly a century, the settlement that grew up around it was known as Coopers Ferry. It became a center of activity during the Revolutionary War period.

The post Civil War period brought the poet Walt Whitman to Camden, where he first lived on Stevens Street and later at 330 Mickle Street, today a National Historic Landmark maintained by the State of New Jersey. Whitman prepared the final edition of *Leaves of Grass* in the Mickle Street house.

The end of the nineteenth century marked the beginning of Camden's emergence as an industrial and commercial leader. By World War I, a popular saying was, "On Camden's supplies, the world relies." Immigrant labor seeking economic opportunity helped increase the population, providing a welcome source of abundant labor for the many industries that sprung up.

In 1926, President Calvin Coolidge dedicated the Delaware River Bridge, later renamed for Benjamin Franklin. It opened the way for commuters to work in Philadelphia and live in the Camden suburbs. A second bridge, the Walt Whitman, opened 31 years later, connecting Philadelphia and Gloucester City.

In 1976, the Betsy Ross Bridge, linking Philadelphia and Pennsauken, opened to traffic. These routes, the development of high-speed rail transportation between Camden and Philadelphia, combine with a broad economic and industrial base to offer a bright future for the county.

The Information in this article is taken from the article entitled “A Brief History of Camden County”, written By Gail Greenberg, as printed on the official website of Camden County, www.camdencounty.com

Brown's River Ad

MUNICIPAL CLERK'S ASSOCIATION OF NEW JERSEY
MEMBERSHIP REPORT
as of AUGUST 20, 2007

Municipal Clerks	500
Deputy Municipal Clerks	272
Acting Municipal Clerks	16
County Clerks	11
Deputy County Clerks	12
Assistant Clerks	5
<u>Affiliate Members</u>	<u>20</u>

Total Membership: 836

Respectfully Submitted,
Vincent Buttiglieri, RMC, CMC
MCANJ Treasurer

LEGAL DEFENSE FUND

If you have any questions or would like additional information on the Legal Defense Fund, please feel free to contact Sharon Brienza at 908-526-1300, ext. 103 or by e-mail at: Sharon.brienza@branchburg.nj.us

League of Municipalities Conference November 13-15, 2007
Tickets (\$30 each) for MCANJ Breakfast Buffet on November 14, 2007 at 8:30 a.m.
Tropicana Casino and Resort Hotel, Atlantic City are now available through your
Advisory Board Representative (see page 2 for listing by County)
Annual Business Meeting following Breakfast
2008 MCANJ Officers sworn in; Newest RMCs, CMCs and MMCs honored
Who will be 2007 “Municipal Clerk of the Year”?

* * * * *

ATTENTION ALL ATLANTIC CITY LEAGUE ATTENDEES

When you walk the conference floor at the league, do your feet hurt? Do you feel like you could use a rest and sit down? Well, do I have the answer for you! You can volunteer to sit at the MCANJ booth for a half-hour! Training is minimal! The Booth has two representatives so you will never be alone. It opens on Tuesday November 13th at 9 a.m. and closes on Thursday, November 15th at 2 p.m. 50 time slots are available—contact me at lm@jeffersontownship.net or 973-208-6131. Thank You!

Lydia Magnotti, 2007 Chair
Public Relations/Booth Committee of MCANJ

DEADLINES FOR NEWS ITEMS

The deadline for the January 2008 issue is December 1, 2007. Please send People Page news to Sharon Brienza, Municipal Clerk, Branchburg Borough, 1077 US Highway 202 North, Branchburg, NJ 08876. Questions or comments regarding this or any issue of the *Quill* should be directed to the Editor, Jim Doherty, Township of Wantage, 888 Route 23, Wantage, NJ 07461 or by calling 973-875-7192 or via email to: administrator@wantagewp-nj.org. Articles for submission should be prepared in Microsoft Word, using Times New Roman 10-point font, and sent as an email attachment to administrator@wantagewp-nj.org by the deadline specified.

the *Quill*
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