

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.

PRESIDENT'S MESSAGE by Heather Mailander, 2008 President



Summer is a time to take vacations, and enjoy the longer days. Most of our governing bodies meet less often, which allows us some extra time to finish a project or catch up on some work that we've been meaning to accomplish. Summer is also a good time to re-evaluate our personal and professional goals and create strategies to achieve them.

"Education is the Key to Success" was the theme for our annual Education Conference which was held in April. This is the third year that the conference has been run completely by members of the Municipal Clerks' Association of New Jersey. I want to thank Sharon Brienza and Joel Popkin, Co-Chairs; Jane Williams-Warren, Education Chair; and the entire 2008 Conference Committee who spent a year planning this conference, as well as our retired Municipal Clerks who assisted us at the registration table. We had 295 people register, and Continuing Education Units were provided in all of the categories required for recertification for the RMC, as well as credits towards the CMC and MMC. We tried some new things at this conference which worked very well, including a session on Monday afternoon, and using scanning technology, courtesy of United Computer, for attendance at the sessions. I know that those of you who heard Dr. Susan Dellinger

speak about "Psycho-Geometrics" and U.S. State Attorney Christopher Christie speak about the work he and his staff are doing to clean up political corruption in New Jersey, were inspired by their messages. Thanks to those of you who purchased clothing or bid on items at the silent auction during the conference, we were able to raise the most money that we ever have, which will be put towards scholarships.

For those members of MCANJ who could not attend the conference, the updated Desk Reference disks were given to the County Advisory Board representatives for distribution in June. If you have not yet received your disk, please email Immediate Past President Barbara Hawk at: barbarahawk@comcast.net.

I am pleased to report that the Association has received its raffle identification number and plans are being made to hold a raffle where the winner will be drawn at the Annual Business Meeting in November at the League of Municipalities Conference. This will allow us to raise additional money for scholarships in the future.

I was proud to represent the State of New Jersey at the annual International Institute of Municipal Clerks' conference which was held in Atlanta, in May. Carrying the New Jersey flag in the Opening Ceremony was a highlight. In addition, I was able to meet with other State Presidents to share mutual items of interest and concern. During the IIMC Conference, Allan Susen, the Municipal Clerk from Haledon, stepped down as Region II Director, and Jane Williams-Warren, the Municipal Clerk from Paterson, was sworn in as Region II Director. I want to thank Allan for his work for Region II, and particularly New Jersey, over the last three years, and wish Jane the best of luck in her new position.

An important development that came out of the IIMC conference was new guidelines for the Certified Municipal Clerk (CMC) and Master Municipal Clerk (MMC) certifications. If you are working towards either of these certifications, the new guidelines can be found on the "Education Update" link on the IIMC's website: www.iimc.com.

New Jersey has submitted its bid to host the IIMC Conference in 2013 in Atlantic City at the Trump Taj Mahal Hotel Casino. We will find out if we have won the bid in November. As a reminder, if we win the bid, the IIMC Conference in 2013 will also be the MCANJ's Annual Education Conference. I know that the members of the MCANJ will step up and volunteer to serve on the many committees that will be needed in order to create a wonderful conference experience.

If you have any questions, concerns, or suggestions, please contact me at: 201-670-5500 ext. 201 or hmailander@ridgewoodnj.net. Have a summer filled with special times, enjoyed with the important people in your lives, which will create memories of a lifetime!

Jim Doherty, Editor
973.875.7192 e-mail: administrator@wantagetwp-nj.org

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MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.
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LEGAL DEFENSE FUND

I was going through some old Legal Defense files and found a survey that was done in 1997. The purpose of the survey was to find out why Municipal Clerks did not join the LDF. The main reason, at that time, was many of you did not expect to have any problems. I chuckled to myself when I was reading the reasons because I remember up to November, 1996, I never expected to have a problem either and I have been a member ever since. I know many of you can relate to that because over the last few years, the phone calls have started right after Election Day.

The Legal Defense Fund is here to help you in any way we can. Sometimes we are not able to help as there are things some of us have no control over, however, there are many times when we are able to assist and have made several payments, including almost \$8,000 in 2007.

So far in 2008, we have 21 new members with Morris, Monmouth and Hunterdon with the most new members. It is never too late to join, and if you haven't renewed yet, I urge you to do so as soon as possible. Application forms are available on the MCANJ website.

If you have any questions or would like additional information, please feel free to contact me at 908-526-1300, ext. 103.

Sharon L. Brienza
Chair

MUNICIPAL CLERKS' ASSOCIATION OF
NEW JERSEY, INC, TREASURER REPORT:

MEMBERSHIP REPORT
AS OF 5/28/08

	<u># of Members Paid</u>
Municipal Clerks	457
Acting Clerks	19
Deputy Clerks	233
Assistant Clerks	20
County Clerks	5
Deputy County Clerks	1
Clerk to Freeholder Board	3
Affiliates	<u>14</u>
TOTAL MEMBERSHIP	751

84% of towns paid; Passaic County has achieved 100%

Joanne M. Kwasniewski, RMC/CMC/MMC
MCANJ Treasurer

MCANJ 2008 Committees - A Call for Volunteers

As President of our Association next year, I would like to invite you to take an active part in the MCANJ by volunteering to serve on one of our Committees. Only with your involvement can we address the present and future needs of our organization. I hope you will join me by completing the form below and returning it to me via mail or FAX, by September 1, 2008. If you have any questions, suggestions or comments, please call me at 856-547-7164 ext. 24. I am looking forward to working with all of you in 2009 and thank you for your participation.

JOAN MORELAND
2008 First Vice President

Constitution & Bylaws:

Reviews and recommends amendments to the Association's Constitution and Bylaws, with the purpose of enacting sound and fair rules of our organization.

Education:

Develops educational programs, reviews the certification and recertification programs and provides for seminars and conferences.

Elections:

Examines and evaluates the statutory requirements governing elections in municipalities.

Education Conference:

Plans and implements an informative and rewarding program in conjunction with Rutgers University.

Fund Raising:

Plans and implements fund raising efforts for the benefit of the Legal Defense Fund.

Information Technology

Prepares, provides and reviews information shown on the MCANJ web page. Provides the Executive Board with other means of technology useful to the Municipal Clerk.

Legal Defense Fund:

Reviews applications of Fund members for legal assistance and promotes Fund membership.

Legislative:

Reviews and monitors all proposed legislation which may affect the Municipal Clerk or our municipalities.

Legislative Committee for Laws Pertaining to Municipal Clerks:

in conjunction with the Legislative Committee, monitor and review all proposed legislation that may directly affect the Municipal Clerks' profession.

Manual Review:

Provides the annual updates of the Study guide and Desk Reference manuals in conjunction with the Education Committee and Rutgers University.

Membership (North and South):

Strives for 100% membership in MCANJ. Assists the Peer Alliance for Learning Committee (PAL) with notification of "new" Municipal Clerks.

Peer Alliance for Learning (PAL)

Identifies new Municipal Clerks and teams them with participating experienced Municipal Clerks who share their knowledge and assistance when needed.

Professional Development:

Develops programs and seminars that address the managerial skills needed by today's Municipal Clerks.

Public Relations:

Functions as the official Welcome Committee for our members and guests during conferences and other sponsored events. Organizes and manages the MCANJ booth at the Spring Education Conference and the League of Municipalities Conference.

Quill:

Provides a comprehensive professional publication for quarterly distribution to Association members.

Records:

Reviews pertinent decisions of the Government Records Council regarding the Municipal Clerk's responsibility in complying with the Open Public Records Act.

Resolutions:

Presents Resolutions recognizing retired and deceased Municipal Clerks at the annual meeting at the League of Municipalities Conference.

Scholarship:

Advertises the availability of scholarships available, reviews applications and selects candidates to receive financial assistance.

Name _____ Title _____

Municipality/Address _____

Phone _____ FAX _____

I would like to serve on the following MCANJ Committee(s) during 2009:

1st Choice _____

2nd Choice _____

3rd Choice _____

Deadline: Please return by September 1, 2008 to: Joan Moreland,, MCANJ 1st VP

**Municipal Clerk,
625 Station Avenue
Haddon Heights, NJ 08035
OR Fax to 856-547-5259
OR E-mail to: jmoreland@haddonheightsboro.org**

The Municipal Clerks' Association of New Jersey will be offering scholarships for the 2008 education year. Municipal Clerks, Deputies and Assistants continuing their education in pursuit of RMC, CMC and MMC certifications are eligible. Candidates for all scholarships MUST be members of the Municipal Clerks' Association of New Jersey. CMC and MMC Scholarship applicants must be tenured Municipal Clerks. Scholarships shall be awarded at the Annual Meeting of the Municipal Clerks' Association of New Jersey on Wednesday, November 19, 2008 during the League of Municipalities Conference in Atlantic City: Four (4) RMC Scholarships; One (1) Peter H. Maclearie CMC Scholarship (Includes registration and 1 night's hotel accommodation); One (1) MMC Scholarship (Includes registration and 1 night's hotel accommodation).

Completed applications should be mailed directly to: MCANJ SCHOLARSHIP COMMITTEE, c/o Bonnie Leonetti, RMC/CMC, Long Beach Township, 6805 Long Beach Boulevard, Brant Beach, NJ 08008-3661. APPLICATION DEADLINE IS SEPTEMBER 1, 2008. You are encouraged to take advantage of this scholarship program offered to you by your Association. Please complete this application page (or a photocopy of it) and submit it as instructed. Should you have any questions, please contact Bonnie Leonetti at 609-361-1000, ext. 218.



MCANJ 2008 SCHOLARSHIP APPLICATION FORM

Name _____ Title _____

Municipality _____

Address _____

Date of Appointment as Municipal Clerk _____ Deputy/Assistant _____

Check One: MCANJ Dues are paid by municipality MCANJ Dues are paid by member

I am applying for the:

- RMC Scholarship – cost of one (1) course
- CMC Scholarship [tenure date _____] – for tuition to CMC program by Rutgers University and one (1) night's hotel accommodation.
- MMC Scholarship [tenure date _____] – for tuition to MMC program by Rutgers University and one (1) night's hotel accommodation.

List RMC, CMC and MMC educational courses taken and indicate whether the municipality or you paid for the course.

Reminder: All applicants must be members of the Municipal Clerks' Association of NJ, Inc.

Applicants for the CMC and MMC Scholarships must be tenured.

Use a separate sheet of paper for a short statement as to why you feel this scholarship should be awarded to you and attach it to your application.

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ROOM RESERVATION FORM

Tropicana Casino and Resort, Atlantic City, NJ

2008 League of Municipalities Conference, November 18—20, 2008

This year, there is a block of 30 rooms available to our Association in the Havana section at the rate of \$141 per night (plus \$5 occupancy fee, \$6 shuttle fee & \$1 phone fee), and a block of 30 rooms in the rest of the hotel at \$111 per night (plus \$5 occupancy fee, \$6 shuttle fee & \$1 phone fee). If you do not pay by voucher, add the cost of the State sales tax of 13%. These rooms are available on a first-come, first served basis. Any room not reserved by September 5, 2008 will revert back to the League for its use.

League Policy Regarding Cancellations: Anyone canceling a reservation after October 31, 2008, will be responsible for the entire cost of the room. The Municipal Clerks' Association will not be responsible for the cost of any cancelled room. Please remember: If you make your room reservation through the MCANJ, you must cancel through MCANJ, not the hotel directly.

Please Print or Type:

Name: _____

Municipality: _____

Mailing Address: _____

Phone Number: _____

Enclosed: Personal Check # _____ (or) Voucher # _____

I will be arriving on November _____, 2008 and departing on November _____, 2008.

Make payable to Tropicana Casino and Resort in the amount of \$ _____ for one (1) night's deposit.
HAVANA SECTION _____ OTHER _____

My reservation will be for three (3) nights at Tropicana Casino and Resort and I acknowledge that I am responsible for the full three (3) nights' accommodation and will honor the cancellation policy of notifying 2nd Vice President Vincent Buttiglieri no later than October 31, 2008. I further accept that cancellations made after October 31, 2008 will require my payment of all cancelled room nights.

Signature

Date

Title/MCANJ Position

Return by September 5, 2008 to:

Vincent Buttiglieri, 2nd Vice President
Ocean Twp (Monmouth)
Address: 399 Monmouth Road
E-mail: vbuttiglieri@oceantwp.org
Phone: (732) 531-4968
Fax: (732) 531-5286

Reminder: Tickets for the Wednesday, November 19, 2008 MCANJ BREAKFAST are available through your County Advisory Board Representative. **NO TICKETS WILL BE SOLD AT THE DOOR.**

PEOPLE PAGE *by Sharon Brienza*

RETIREMENTS

After 23 years of public service, Belmar Borough Clerk Margaret Plummer will be retiring before the end of summer. She has served as Municipal Clerk of this shore community since 1996. Mayor Kenneth E. Pringle stated, "she is an amazing woman. Belmar and I have both been incredibly fortunate to have had her as our clerk for these many years." He also considers her to be, without question, one of the most consummately professional people he has ever known. Margaret is looking forward to spending the hot and hazy days of summer at her favorite beach at the end of the Seventh Avenue.

Theresa A Tamburro, RMC/CMC from Blairstown Township, Warren County retired in March. Best wishes Theresa!

Best Wishes to Patricia Lycosky upon her retirement from the position of Vernon Township Municipal Clerk.

Betsy Cuneo has decided to pursue a career change, and has left her position of Municipal Clerk in Sandyston. Betsy remains the Clerk in Walpack. Good luck Betsy!

Denise Stagnari has retired from her position of Municipal Clerk of Green Township in Sussex County. Denise enjoyed a Retirement Dinner on May 9 at Adam Todd Restaurant in Byram, NJ. Former Green Municipal Clerk Lynn Stanzlaus even came up from North Carolina to wish Denise well in her retirement!

Congratulations to Doris Lewis who has retired from the position of Municipal Clerk of Andover Borough in Sussex County. Doris had a beautiful retirement dinner on March 2, at Bella Italia Restaurant in Andover, attended by friends, family and colleagues. Best wishes Doris!



NETWORKING AT THE 2008 CLERKS CONFERENCE

Photo Above: Figuring "It's Five O'clock Somewhere", a group of Clerks unwind at the 2008 Municipal Clerks Conference in Atlantic City

CONDOLENCES

To Sharon and Rich Brienza on the passing of Rich's mom. (Editors Note: I want to thank everyone for their prayers, kind words and cards Richie and I received on the passing of his mom. Words cannot begin to tell you how much these meant to us. Thanks to all of you.)

To Patricia DiRocco, Warren Township (Somerset County) on the passing of her father.

To Jane (Williams) and Albert Warren on the passing of Albert's sister.

To AnnMarie McCarthy, Franklin Township (Somerset County) on the recent passing of her husband.

GET WELL WISHES

Please keep Audrey Dressel (retired Clerk of Stanhope) in your thoughts as she is having some medical complications due to chemotherapy treatments.

In the last issue, we sent Linda Hendershot good wishes for a speedy recovery and apparently, our good wishes helped since Linda joined other retired Municipal Clerks by manning the Registration table at the MCANJ 2008 conference. It's good to see you back, Linda!

CONGRATULATIONS

To Kim White, Deputy Township Clerk of East Windsor Township, and her husband, Joseph, who had a baby boy on December 28, 2007. Zachary Ray and parents are doing great!

TRANSITIONS

As a Belmar Borough employee for four years in the Code Enforcement Office, April Claudio has been appointed to replace Margaret Plummer who is retiring (see article above.) She will be serving as Acting Municipal Clerk until she receives her certification. Good luck, April, and if you need any help or have any questions, we have a large group of people who are ready to assist.

Joann Graf was appointed Acting Municipal Clerk of South Plainfield, replacing Vinny Buttiglieri. Joann is also the director of South Plainfield's Senior Citizens.

Ray Whitlock (retired Municipal Clerk from Rocky Hill) has recently been appointed as Zoning Officer in Rocky Hill – apparently Ray needed to be back in government!

(Continued on page 7)

PEOPLE PAGE, continued

Trying For That Elusive Treasure Chest Key!

Photo Below: Clerks who attended the Clerks Conference in Atlantic City were given the opportunity to win a special prize, just for registering! The Clerks Conference mixes fun, education and camaraderie—all vital components of a successful career. If you weren't a part of it this year, join us in 2009!



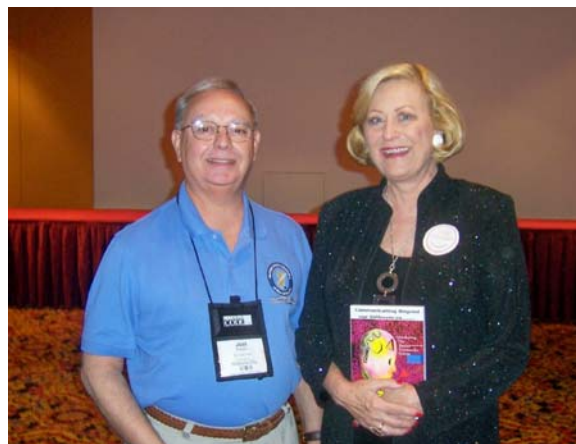
Sussex County Has Been Active in Transitions!

Dennis Murray was hired as the Acting Municipal Clerk for Vernon Township in Sussex County, effective March 24. A 17-year resident of Vernon, Dennis has extensive background and training in the field of journalism, which he hopes will serve him well in his role as municipal clerk. Best wishes Dennis!

Jerry Murphy is now the Acting Municipal Clerk for Sandyston Township in Sussex County. Jerry was previously the Acting Municipal Clerk in Stillwater Township. Good luck, Jerry!

Beth Brothman has taken over the position of Acting Borough Clerk in Andover Borough, Sussex County. Beth moved to Andover in 2004 with her husband and two children, and was involved with the Registrar's office and many other community activities before being named to the Borough Clerk's position. Welcome, Beth!

Linda Peralta was appointed as Clerk/Administrator for Green Township effective April 16, 2008. Good luck, Linda!



PSYCHOGEOMETRICS AND YOU:

Photo Above: Joel Popkin welcomes Speaker/Author Susan Dellinger, Ph.D., to the MCANJ Clerks Conference in Atlantic City. Dr. Dellinger has developed an analytical approach to identifying personal communication style based on the selection of one of five geometric shapes. Her system has been used in U.S. and multi-national corporations, government agencies, universities, law firms, and non-profit organizations for 30 years. For more information, visit www.psychogeometrics.com.



JOIN THE INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

Founded in 1947, the International Institute of Municipal Clerks is the leading professional association serving the needs of Municipal Clerks, Secretaries, Treasurers and Records and other allied associations from cities and towns worldwide. IIMC's primary goal is to actively promote the continuing education and professional development of Municipal Clerks through extensive education programs, certification, publications, networking, annual conferences and research. As an educational catalyst, IIMC inspires Clerks to expand and advance beyond their present levels of development. IIMC also engages in municipal research administration, enhances critical professional skill development and fosters a spirit of mutual assistance and good fellowship among Municipal Clerks around the globe. Its 10,000 plus members represent municipalities of 250 to more than 10 million people in North America and 15 other countries. IIMC is governed by a 26-member board of Directors with 22 Directors from IIMC's 11 regions.

For more information and directions on how to join the IIMC, visit their website at www.iimc.com

SPOTLIGHT ON: WARREN COUNTY

21 Stories of Our Garden State; 21 Stories to say "We're Great"

Located in northwestern New Jersey, Warren County is home to more than 110,000 residents, with a rich history and beautiful scenery. Warren County came into existence in 1825 when an act of the New Jersey Legislature separated the area from Sussex County. The county was named in honor of Dr. Joseph Warren who earned a heroic reputation throughout the original 13 states for his devotion to the revolutionary cause, which led to his death in the battle of Bunker Hill. During the Revolutionary War, a large majority of the 13,000 colonists who lived in Sussex (and what is now Warren) supported the patriotic cause.

Transportation has played an important role in the development of the county since its beginning. Its earliest residents were the Lenni Lenape, who lived along the rivers and streams of the region. The first Europeans to settle in the county were the Dutch, who came to Pahaquarry Township and dug for copper around 1650. During this period, they constructed a road from Pahaquarry to Kingston, N.Y., over which they transported the proceeds of their mining ventures. This road, the first commercial highway built in the United States, is still in existence today. Known as "Old Mine Road," it traverses the Delaware Water Gap National Recreation Area, a major visitor attraction in the county.

Although it was the first area to be settled by European colonists, Pahaquarry Township is no more. Largely vacated by the federal government's disputed plan to build the Tocks Island Dam, much of Pahaquarry later became federal and state parkland. With only a handful of residents left, the Township merged with neighboring Hardwick Township on July 2, 1997, reducing the number of municipalities in New Jersey to 566. Accomplished through special legislation, the merger was the first one in the state in 45 years.

In the early 1830s, the Morris Canal opened in New Jersey, with its western terminus at Phillipsburg on the Delaware River in Warren County.



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The Morris Canal brought together the anthracite coal from Pennsylvania with the limestone and iron ore from New Jersey in the formation of heavy industry. Railroads quickly replaced the canal and sped the development of industry within the county.

At one time, Phillipsburg was the crossroads for five railroads, each with its own freight yard and maintenance facility in the town. Also, one heavy manufacturing plant employed up to 4,500 people and provided a great deal of machinery to the World War II effort. At Oxford are the preserved ruins of one of colonial New Jersey's first iron furnaces, and it holds the distinction of operating longer than any other colonial furnace, from 1741-1884. In 1835, Oxford Furnace became the first U.S. smelting operation to use the hot blast process, while in 1859 Peter Cooper's furnace in Phillipsburg was one of the first in the U.S. to experiment with the Bessemer process. During the 1860s, Cooper Furnace was the most productive iron furnace in America.

Today, sections of the Morris Canal are being transformed into a public greenway across the county. Moreover, because of its transportation prominence, Phillipsburg has been tapped as the location for a planned New Jersey Transportation Heritage Center, a museum to highlight how New Jersey shaped transportation history and how transportation shaped the state.

All information is taken from the Official Website of Warren County, www.co.warren.nj.us

The Unique Nature of Municipal Land Use Ordinances

By Thomas A. Segreto, MCANJ Legal Counsel

All Municipal Clerks should be aware of the difference between a resolution and an ordinance as well as specific introduction, adoption and publication requirements of an ordinance. What gets tricky is when an ordinance is identified as a municipal land use (MLU) ordinance. Oddly enough, some municipalities even include ordinances which are not readily identifiable as relating to the issue of MLU in the zoning/land use section of the ordinance. The most cautious counsel I can offer is to begin by identifying the chapter of the ordinance which addresses “Zoning” and or “Land Use” and keep a mental note in the back of your mind that ordinances appearing on your agenda which are either adoptions of new ordinances or amendments of existing ordinances relating to these topics need to be addressed in a unique fashion in order to become effective. When in doubt, Call your attorney and ask for a legal call as to the classification of the proposed ordinance.

Both resolutions and ordinances are required to be reduced to writing, but under N.J.S.A. 40:49-1, an ordinance must be read at more than one meeting thereof and published. The specific procedures set forth in N.J.S.A. 40:49-2 are too extensive to replicate herein, however in addition to the specific procedures identified therein, a MLU ordinance must also comply with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

Under N.J.S.A. 40:55D-62, the adoption and/or amendment of a MLU ordinance in the form of a zoning ordinance cannot become effective upon initiative and/or referendum. Nonbinding voter participation is permitted, per the NJ Supreme Court in the case of Great Atlantic v Point Pleasant, 137 N.J. 136 (1994), but binding measures are prohibited. Under N.J.S.A. 40:55D-62a, a zoning ordinance must be referred to the Planning Board and only after the Planning Board has adopted the land use and housing element aspects of the Master Plan (which is generally, the document which identifies the land uses, development proposals, maps, recommendations, objectives, principles, assumptions, policies and standards for the physical, economic and social development of the municipality with due consideration to population density and development intensity density).

Further, under N.J.S.A. 40:55D-62, the adoption and or amendment of a MLU ordinance “relating to the nature and extent of the uses of land and of buildings and structures thereon” must be referred to the Planning Board for a period of 35 days after first reading. Under N.J.S.A. 40:55D-26, the Planning Board must report to the Governing Body “as to identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate”. No hearing by the Planning Board is necessary under the statute, but any deliberations must occur in compliance with the OPMA. The Governing Body may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation. If the Planning Board fails to report back within 35 days, the ordinance can be formally adopted without comment from the Planning Board.

Municipal Clerks must be mindful of the notice provisions of N.J.S.A. 40:55D-62.1. Where an amendment to the zoning ordinance proposes a “change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic general reexamination of the master plan by the Planning Board pursuant to N.J.S.A. 40:55D-89”, notice must be served at least 10 days prior to the hearing by the Municipal Clerk. Owners of all real property (as shown on the current tax duplicates) are required to receive notice. Owners located in the district in which there is a classification change, within 200 feet in all directions of the boundaries of the district (within the State of NJ) In the case of a boundary change, within 200 feet in all directions of the proposed new boundaries of the district which is the subject of the hearing (within the State of NJ).

Additionally, notice must be provided to any military facility commander who has registered with the municipality pursuant N.J.S.A. 40:55D-12.4, if the military facility is “situated within the district or within 3,000 feet of all directions of the boundaries of the district or located, in the case of a boundary change, in the State within 3,000 feet in all directions of the proposed new boundaries of the district which is the subject of the hearing.”

Pursuant to N.J.S.A. 40:55D-62.1, the governing body’s hearing notice must state:

- a. the date, time and place of the hearing,
- b. the nature of the matter to be considered and
- c. an identification of the affected zoning districts and proposed boundary changes, if any, by street names, common names or other identifiable landmarks, and by reference to lot and block numbers as shown on the current tax duplicate in the municipal tax assessor's office.

Continued on Page 10

Notice is effectuated by:

- (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or
- (2) mailing a copy thereof by certified mail and regular mail to the property owner at his address as shown in the said current tax duplicate. (In the case of an applicable military facility as identified above, notice is properly effectuated by personally serving a copy on the military facility commander who has registered with the municipality pursuant to N.J.S.A.40:55D-12.4 or by mailing a copy by certified mail to the military facility commander at the address shown on the registration form.

The statute requires the Municipal Clerk to execute affidavits of proof of service of the required notices and keep the affidavits on file along with the proof of publication of the notice of the required public hearing on the proposed zoning ordinance change.

The import of these requirements is very simple; if they are not followed, the ordinance is invalid and ineffectual. Under N.J.S.A. 40:55D-16, "Development regulations, except for the official map, shall not take effect until a copy thereof shall be filed with the county Planning Board. A zoning ordinance or amendment or revision thereto which in whole or in part is inconsistent with or not designed to effectuate the land use plan element of the master plan shall not take effect until a copy of the resolution required (by N.J.S.A. 40:55D-62(a)) shall be filed with the county Planning Board."

Remember, use your common sense and reasoning when addressing the adoption or amendment to an ordinance which seems to relate to the nature and extent of the uses of land and of buildings and structures. Sometimes knowing when to ask a question is half way to the destination of wisdom. If the ordinance relates to land or structures or even the procedures involved relating to land or structures, a red flag should go up in your mind. Unless it is clearly part of the zoning ordinance and or land use ordinance, refer the matter to your municipal attorney to opine in writing as to whether the ordinance is subject to the provisions of N.J.S.A. 40:55D-62 based upon the case law and nature of the ordinance.

Thomas Segreto is a Senior Associate in the law firm of Scarinci & Hollenbeck, LLC. Mr. Segreto currently serves as General Counsel to the Municipal Clerks Association of New Jersey, Inc.

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SPOTLIGHT ON: MONMOUTH COUNTY

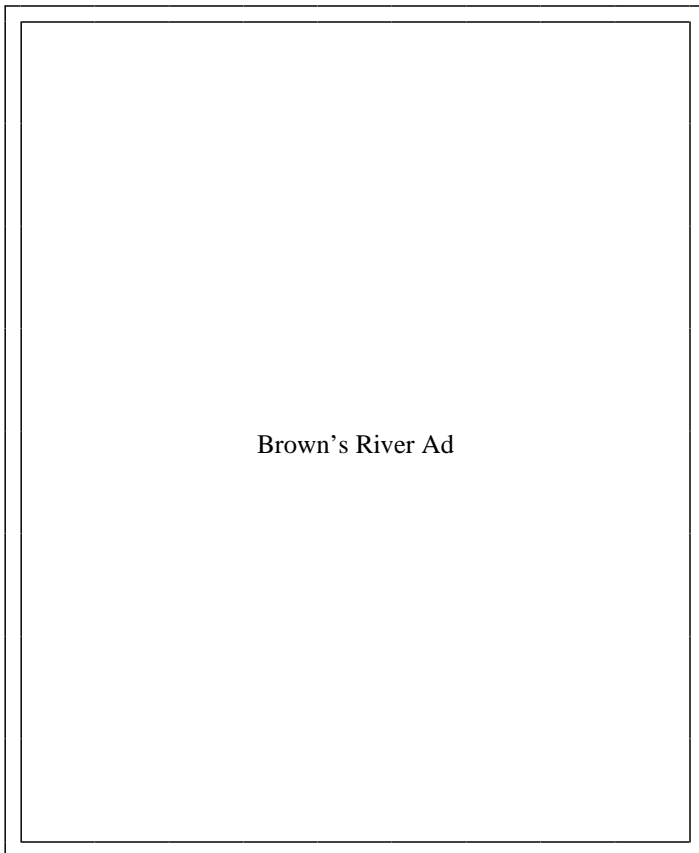
21 Stories of Our Garden State; 21 Stories to say “We’re Great”

Monmouth County has 27 miles of pristine Atlantic Ocean shoreline, thousands of acres of preserved farmland and is home to 655,000 people. From Asbury Park to Allentown, from Rumson to Roosevelt, the communities that make up Monmouth County provide a world of activities that include two of the nation's best racetracks, deep sea and fresh water fishing, shopping and numerous upscale restaurants. Whether you like to pick your own fruits and vegetables, go antiquing, visit amusement parks or simply dig your toes in the sand as you read a book, it's all waiting for you in Monmouth County. There's also a number of annual events such as the county fair, food and jazz festivals, concerts and a wealth of cultural and ethnic affairs.

Monmouth County has a lot to celebrate this year, most notably its 325th anniversary! On March 7, 1683, the County of Monmouth was officially established by an Act of the Provincial General Assembly. Since then, Monmouth County has played an important role in the historical events that created the United States. Some sources say Monmouth County was named after the County of Monmouthshire, in South Wales, Great Britain. Others believe the County was named after James Scott, the Duke of Monmouth. Scott was the illegitimate son of King Charles II and nephew of James, the Duke of York, who succeeded Charles to the throne in 1685. In 1662 James was brought to England and installed at court as a favorite of the king, who on Feb. 14, 1663, named him Duke of Monmouth, Earl of Doncaster. The Duke had many friends and allies among the gentry of East Jersey. But we may never know for sure how Monmouth County got its name.

Freeholder Director Lillian G. Burry says, “When it comes to studying our nation’s history, the people of Monmouth County do not have to rely on our history books alone. The history of this great nation is all around us, because Monmouth County was an important part of it. During the Revolutionary War, the Battle of Monmouth Courthouse was a turning point for the Continental Army led by General George Washington. There are many other local historic events as well. It is my pleasure to invite each of you to reflect on Monmouth County’s rich history as we celebrate our 325th anniversary.”

The Monmouth County seal was authorized by the freeholders as indicated by the following excerpt from the minutes of the Board of Chosen Freeholders, on May 9, 1798: “Ordered By Said Board that Jacob Holms get a Seal made the Sise to be the Bigness of half a Dollar & The Device to be the Plough and the letters Monmouth on The face.” The use of the image of a plough on official seals was quite common in 18th Century New Jersey. Ploughs can be found on the Surrogate’s Seal, the Great Seal of the State of New Jersey and various coins minted in early America.



Monmouth County Municipalities are: Township of Aberdeen, Borough of Allenhurst, Borough of Allentown, City of Asbury Park, Borough of Atlantic Highlands, Borough of Avon-By-The-Sea, Borough of Belmar, Borough of Bradley Beach, Borough of Brielle, Township of Colts Neck, Borough of Deal, Borough of Eatontown, Borough of Englishtown, Borough of Fair Haven, Borough of Farmingdale, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Township of Howell, Borough of Interlaken, Borough of Keansburg, Borough of Keyport, Borough of Lake Como (formally South Belmar), Borough of Little Silver, Village of Loch Arbour, City of Long Branch, Township of Manalapan, Borough of Manasquan, Township of Marlboro, Borough of Matawan, Township of Middletown, Township of Millstone, Borough of Monmouth Beach, Borough of Neptune City, Township of Neptune, Township of Ocean, Camp Meeting Association of Ocean Grove, Borough of Oceanport, Borough of Red Bank, Borough of Roosevelt, Borough of Rumson, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, Township of Upper Freehold, Township of Wall, and the Borough of West Long Branch.

All information is taken from the official website of Monmouth County, www.visitmonmouth.com

***League of Municipalities Conference
November 18-20, 2008***

**Tickets (\$30 each) for MCANJ Breakfast Buffet on November 19, 2008
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

2009 MCANJ Officers sworn in

Newest RMCs, CMCs and MMCs honored

Who will be 2008 “Municipal Clerk of the Year”?

DEADLINES FOR NEWS ITEMS

The deadline for the October issue is August 20, 2008. 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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