

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.

PRESIDENT'S MESSAGE by *Vincent Buttiglieri, 2010 President*



Hopefully, this finds that everyone enjoyed the summer of 2010. The temperature gods certainly reared their ugly heads as we experienced record breaking temperatures throughout the state. If you're like me, you are glad to see that Fall is upon us and the heat and humidity of the summer is a distant memory.

As you are all aware, Senator Loretta Weinberg had previously introduced amendments to the Open Public Records Act (S1352), many of which, both MCANJ and our membership, took exception with. I am very happy to report that through the hard work of MCANJ Attorney Richard Lustgarten, Senator Weinberg has made numerous amendments to her introduced legislation. One of the major concessions we received was that the timeframe for response to an OPRA request will remain as it was in the original legislation – 7 days.

Secondly, Senator Weinberg has agreed to include that the MCANJ President, or their designee, be appointed a member of the GRC. With Senator Weinberg now joins Assemblyman Patrick Diegnan, who previously introduced Assembly Bill A1333, mandating the same. For the first time, MCANJ has received support from both the Senate and Assembly in this matter. We must continue to push forward to see that both Bills are signed into law as expeditiously as possible. We have waited long enough to have our voices heard. I'm optimistic that we will finally get a seat at the table. We must keep the faith!

First Vice President Joanne Kwasniewski, in conjunction with our Education Committee, has put together a great education program for the League of Municipalities Convention, so please come and take advantage of all the educational opportunities. Please review these opportunities located in this edition.

Our Annual Meeting will be held this year on Wednesday, November 17, 2010 in the Royal Swan Ballroom of the Tropicana Hotel. Breakfast will begin at 8:30 a.m., with the meeting commencing at 9:30 a.m. I urge all of you to make every effort to attend as we will be voting to amend our Constitution and By Laws at this meeting. First Vice President Joanne Kwasniewski will be sworn in as our President for 2011 and a new Clerk of the Year will be crowned. It promises to be an exciting day!

MCANJ has been very fortunate to have the IIMC President attend our Annual Meeting over the past few years. These valued leaders of our profession have been able to bring with them up to date information on how the programs available through IIMC will benefit our membership. This has enabled our membership to stay in the forefront of the educational requirements needed to achieve both the CMC and MMC designations. Unfortunately, due to a prior commitment, this year's IIMC President, Sharon Cassler, will not be able to join us at our Annual Meeting. However, we look forward to her attending a future MCANJ event during her tenure as IIMC President. While she will be missed, her absence will enable us to conduct our business as expeditiously as possible at our Annual Meeting, so all in attendance can take advantage of the excellent educational sessions available.

We have made a few additional changes in this year's program which should enable us to proceed through the very important agenda in a timely fashion. I look forward to seeing everyone at the 2010 Annual Meeting.

Thank you for your continued support and commitment to the Municipal Clerk's Association of New Jersey. If you have any questions or concerns, please do not hesitate to contact me at (732)531-4968 or via email at vbuttiglieri@oceantwp.org.

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

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 Hatten, 2001-2005

Contributing Editors:

Advertising: Joel Popkin, 732.609.6441

People: Sharon L. Brienza, Branchburg Twp., 908.526.1300

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.
EXECUTIVE BOARD 2010

President: Vincent Buttiglieri, Ocean Township

E-mail: vbuttiglieri@oceantwp.org

First Vice President: Joanne M. Kwasniewski, Fair Lawn Borough

E-mail: munclerk@fairlawn.org

Second Vice President: Andrew J. Pavlica, Garfield City

E-mail: garfieldclerk@optonline.net

Treasurer: Nancy L. Saffos, Cherry Hill Township

E-mail: NSaffos@chtownship.com

Secretary: John M. Mitch, Woodbridge Township

E-mail: john.mitch@twp.woodbridge.nj.us

Immediate Past President: Joan Moreland, Haddon Heights Borough

E-mail: jmoreland@haddonheightsboro.org

Administrative Consultant: Joel Popkin

E-mail: joelpopkin@optonline.net

Legal Counsel: Richard A. Lustgarten

PAST PRESIDENTS * EX OFFICIO MEMBERS

1974*Joseph V. Valenti	1997*Elizabeth H. Kiss
1975*Alfred A. Reda	1998*Lynn Stanzlaus
1977*Otto M. Bock	1999*Bernadette Dubuss
1981*L. Manuel Hirshblond	2000*Nancy Hatten
1985*Elizabeth G. Nolan	2001*Sharon L. Brienza
1987*Lewis N. Thompson	2002*Bernadette Standowski
1988*Elaine Wallace	2003*Allan Susen
1992*Barbara A. Camp	2004*Joel Popkin
1993*John J. Galvin	2005*Jane Williams-Warren
1994*Kathleen A. Thorpe	2006*Elaine B. Kennedy
1995*Christina N. Wilder	2007*Barbara M. Hawk
1996*Joseph C. Favaro	2008*Heather Mailander
	2009*Joan Moreland

ADVISORY BOARD MEMBERS

Atlantic:	Gail Macera, Folsom Borough
Bergen:	Nancy Hatten, Tenafly Borough
Burlington:	Patricia L. Hunt, Moorestown Township
Camden:	Deanna Bennett, Haddonfield Borough
Cape May:	Constance Mahon, Cape May Point Borough
Cumberland:	Susan G. Robustello, Millville City
Essex:	Linda Wanat, Montclair Township
Gloucester:	Dina Zawadski, Deptford Township
Hudson:	Robert Byrne, Jersey City
Hunterdon:	Cecilia Covino, Town of Clinton
Mercer:	Sharon Young, West Windsor Township
Middlesex:	Barbara Nyitrai, South Brunswick Township
Monmouth:	Karen Mount-Taylor, Tinton Falls Borough
Morris:	Susan Caljean, Chatham Borough
Ocean:	Bette Mastropasqua, Beachwood Borough
Passaic:	Jane Williams-Warren, Paterson City
Salem:	Maureen Abdill, Pilesgrove Township
Somerset:	Sharon L. Brienza, Branchburg Township
Sussex:	Lorraine Stark, Hopatcong Borough
Union:	Kathleen Wisniewski, Springfield Township
Warren:	Teresa De Mont, Belvidere Town

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New Jersey League of Municipalities Program of Activities For Clerks

as listed on the NJLM Website at the deadline for this issue of *the Quill*. The information listed here is subject to change. Please check the League Program at the Conference for updated information

Or check the NJLM website at:

<http://www.njslom.com/95thconf/CEU-credits-2010-Conference-Sessions.pdf>

Tuesday, November 16, 2010:

- 10:00 am – Noon: Legislative Update. This seminar has been approved for 2 contact hours for RMC – Professional Development
- 2:00 – 3:40 pm: After the Paris Grant: Now What? Approved for 2 Contact Hours for RMC - Records
- 2:00 —3:40 pm: League Joint Workshop with Government Finance Officers Association and Tax Collectors and Treasurers Association: Budget & Audit Hurdles – Understanding the Process. Approved for 2 contact hours for RMC – Finance
- 2:00 —3:40 pm: League Workshop: Clean Communities Funds Relieve Strained Municipal Budgets. Approved for 2 contact hours for RMC – Finance
- 3:45—5:15 pm: League Joint Workshop with GFOA and TCTA: Division of Pensions and Benefits Update on Retirement Planning and Employee Benefits and Services. Approved for 1.0 contact hours for RMC – Finance; 0.5 contact hours for RMC – Professional Development
- 3:45—5:15 pm: League Workshop: What Technology Managers Really Need to Know About Security – One Size Does Not Fit All. Approved for 1.5 contact hours for RMC – Information Technology

Wednesday November 17, 2010:

- 8:30 am MCANJ Annual Meeting – Royal Swan Ballroom – Tropicana Hotel
- 9:00—10:40 am: League Session: New Jersey Board of Public Utilities – Your Partner in Building Networks Supporting Energy Planning, Conservation, Efficiency and Clean Energy. Approved for 1.0 contact hours for RMC – Finance; 1.0 contact hours for RMC – Professional Development
- 9:00—10:40 am: League Session: What Elected Officials Need to Know About Technology. Approved for 2.0 contact hours for RMC – Information Technology
- 10:45 am—Noon: Arthur J. Holland Program on Ethics in Government, Rutgers' University. Approved for 1.5 contact hours for RMC– Ethics
- 10:45 am—Noon: League Session: Artemis, The Records Retention and Disposition Management System. Approved for 1.0 contact hours for RMC—Records
- 2:00 – 3:45 p.m. Making Sense of Pay-to-Play: What you Need to Know. Approved for 2 contact hours for RMC – Finance
- 2:00—3:40 pm: League Joint Session with New Jersey Municipal Management Association: Doing Less with Less – Prioritizing Needs and Staffing . Approved for 2.0 contact hours for RMC – Finance
- 2:00—3:40 pm: League Tandem Session: Intergovernmental Cooperation: Shared Services without Share Grants. Approved for 2.0 contact hours for RMC – Professional Development
- 2:00—3:40 pm: League Session: Do's and Don'ts of Local Government Ethics. Approved for 2.0 contact hours for RMC– Ethics
- 2:00—3:40 pm: League Joint Session with Municipal Clerks Association of New Jersey and the Governmental Purchasing Association: Making Sense of Pay-to-Play: What You Need to Know. Approved for 2.0 contact hours for RMC – Finance
- 2:00—3:40 pm: Artemis. Approved for 1.0 Contact Hours for RMC - Records
- 3:45 – 5:15 p.m. After A Census, The Clerk's Role. Approved for 1.0 Contact Hour for RMC Elections; .5 Contact Hours Licensing
- 3:45—5:00 pm: League Tandem Session: Elected Officials Refresher on Ethics, Open Public Meetings and Open Public Records and Civility in Public Discourse – Part 2. Approved for 1.5 contact hours for RMC– Ethics
- 3:45—5:00 pm: League Session: Opt Out of Civil Service and other Reforms – What Do They Mean? Approved for 1.5 contact hours for RMC – Professional Development
- 3:45—5:00 pm: League Session: Controlling Workers' Compensation and Liability Claims. Approved for 1.5 contact hours for RMC – Professional Development

Thursday, November 18, 2010

- 9:00—10:40 am: League Session: The Impact of New Legislation on Labor Negotiations. Approved for 2.0 contact hours for RMC – Professional Development
- 9:00—10:40 am: League Joint Session with Tax Collectors and Treasurers Association, Government Finance Officers Association and Governmental Purchasing Association: Public Contracts Law Update. Approved for 1.5 contact hours for RMC – Finance
- 9:00—10:40 am: League Session: Capital Spending in an Uncertain Economy . Approved for 2.0 contact hours for RMC – Finance
- 10:45 am- noon: League Joint Session with Municipal Clerks Association of New Jersey: A Review of the Open Public Records Act (OPRA). Approved for 1.5 Contact Hours for RMC-Records
- 2:00 - 3:40 p.m. League Session: How to Fund Your Sustainability Agenda . Approved for 2.0 contact hours for RMC – Finance

**ANNUAL BUSINESS MEETING AND BREAKFAST OF THE
MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY
WEDNESDAY, NOVEMBER 17, 2010
8:30 a.m. - Tropicana - Royal Swan Ballroom**

BUFFET BREAKFAST 8:30 a.m. – 9:30 a.m.

Call to Order and Welcome: VINCENT BUTTIGLIERI, President MCANJ; Municipal Clerk, Township of Ocean

Roll Call of Officers: JOHN M. MITCH, Secretary, Municipal Clerk, Woodbridge Township

Flag Salute: JOEL POPKIN, MCANJ Administrative Consultant

Invocation: ANDREW J. PAVLICA, City Clerk, City of Garfield

Approval of Minutes - Annual Meeting of November 18, 2009

Reports:

Treasurer: NANCY L. SAFFOS, Municipal Clerk, Cherry Hill Township

Legal Update: RICHARD LUSTGARTEN, Esq., MCANJ Legal Counsel, Goodman & Lustgarten

Introduction of Candidate for 2011 Secretary – JOHN M. MITCH, 2010 Secretary, will introduce KEITH KAZMARK, Elmwood Park Borough

Proposed Constitution and Bylaws Amendments

Recognition of 2010 Committee Chairs: VINCENT BUTTIGLIERI, President, MCANJ; Municipal Clerk, Township of Ocean

Constitution and Bylaws: DAVID HUGHES, Municipal Clerk, Summit City

Education: ELAINE JASKO, Municipal Clerk, Perth Amboy City

Education Conference: SHARON L. BRIENZA, Co-Chair, Municipal Clerk, Branchburg Township and
HEATHER MAILANDER, Co-Chair, Municipal Clerk, Village of Ridgewood

Elections: JANE WILLIAMS-WARREN, Chair, Municipal Clerk, Paterson City

Finance: NANCY L. SAFFOS, Municipal Clerk, Cherry Hill Township

Fundraising: DOREEN CALI, Co-Chair, Municipal Clerk, Borough of Roselle Park and
ROSE MARIE SARACINO, Co-Chair, Municipal Clerk, Old Bridge Twp.

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

Laws Affecting Municipal Clerks: SHARON YOUNG, Chair, Municipal Clerk, West Windsor Twp.

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

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

Manual Review: JOEL POPKIN, Exec. Bd. Coordinator, DEANNA BENNETT, Editor, Municipal Clerk, Haddonfield Borough

Membership North: SALLY BLEEKER, Chair, Municipal Clerk, Franklin Lakes Borough

Membership Central: CECILIA COVINO, Chair, Municipal Clerk, Clinton Town

Membership South: BONNIE LEONETTI, Chair, Municipal Clerk, Long Beach Township

Professional Development and Mini Conference:

North: LAURA GRAHAM, Municipal Clerk, Oradell Borough,

Central: SHARON YOUNG, Municipal Clerk, West Windsor Township and
DIANE PFLUGFELDER, Municipal Clerk, Bethlehem Township

Mini Conference South: DEBORA PINE, Municipal Clerk, Elk Twp. and
PATRICIA HUNT, Municipal Clerk, Moorestown Township

Past Presidents' Council: BERNADETTE STANDOWSKI, Chair, Municipal Clerk, Retired

Peer Alliance for Learning North: CECILIA COVINO, Municipal Clerk, Clinton Township

Peer Alliance for Learning Central: ANN MARIE McCARTHY, Municipal Clerk, Franklin Township and
JESSIE JOSEPH, Deputy Municipal Clerk, Township of Ocean

Peer Alliance for Learning South: LASHAWN BARBER, Municipal Clerk, Tabernacle Twp. and
CYNTHIA DALESSIO, Municipal Clerk, Woodstown Borough

Continued on Page 5

**ANNUAL BUSINESS MEETING AND BREAKFAST OF THE
MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY
WEDNESDAY, NOVEMBER 17, 2010, 8:30 am - Tropicana - Royal Swan Ballroom
(Agenda continued from Page 4)**

REPORTS, Continued

Public Relations–MCANJ Booth: CECILIA COVINO, Chair, Municipal Clerk, Clinton Town

Quill: JAMES DOHERTY, Editor, Municipal Clerk, Wantage Township

Raffles: YANCY WAZIRMAS, Co-Chair, Municipal Clerk, Prospect Park Borough and
HEATHER MAILANDER, Co-Chair, Municipal Clerk, Village of Ridgewood

Records: ELAINE B. KENNEDY, Chair, Municipal Clerk, Eagleswood Township

Resolutions: KAREN HUGHES, Co-Chair, Municipal Clerk, Westwood Borough and
SANDRA BOHINSKI, Co-Chair, Municipal Clerk, Helmetta Borough

Scholarship: BONNIE LEONETTI, Municipal Clerk, Long Beach Township

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

Tribute to Retired Members: KAREN HUGHES, Municipal Clerk, Westwood Borough

Tribute to Deceased Members: SANDRA BOHINSKI, Municipal Clerk, Helmetta Borough

State of the Association Address: VINCENT BUTTIGLIERI, 2010 President, MCANJ

Recognition of 2010 CMC and MMC Awards: JANE WILLIAMS-WARREN, IIMC Region II Director; Municipal Clerk,
Paterson City

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

Announcement of 2009/2010 Registered Municipal Clerks Certification Recipients: ELAINE JASKO, Municipal Clerk,
Perth Amboy City

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

Presentation of the 2010 Municipal Clerk of the Year Award:

SHARON L. BRIENZA – 2009 Municipal Clerk of the Year, Municipal Clerk, Branchburg Township

2011 Slate of Officers: JOHN M. MITCH, 2010 MCANJ Secretary, Municipal Clerk, Woodbridge Township

Motion to Cast Ballot for Slate of Officers:

President	JOANNE M. KWASNIEWSKI, Fair Lawn Borough
1st Vice President	ANDREW J. PAVLICA, Garfield City
2nd Vice President	NANCY L. SAFFOS, Cherry Hill Township
Treasurer	JOHN M. MITCH, Woodbridge Township
Secretary	KEITH KAZMARK, Elmwood Park Borough
Immediate Past President	VINCENT BUTTIGLIERI, Township of Ocean

Administration of Oath to Officers: Steven Weinstein, Deputy Mayor, Fair Lawn Borough

Introduction of President's Guests: VINCENT BUTTIGLIERI President, MCANJ; Municipal Clerk, Township of Ocean

Acknowledgements to President Vincent Buttiglieri: JOANNE M. KWASNIEWSKI, President-Elect, MCANJ; Municipal
Clerk, Fair Lawn Borough

Remarks by President-Elect Joanne M. Kwasniewski: President-Elect, MCANJ; Municipal Clerk, Fair Lawn Borough

Introduction of President-Elect's Guests: JOANNE M. KWASNIEWSKI, President-Elect, MCANJ; Municipal Clerk, Fair
Lawn Borough

Acknowledgements to President-Elect Joanne M. Kwasniewski: VINCENT BUTTIGLIERI, President, MCANJ; Municipal
Clerk, Township of Ocean

Adjournment

PEOPLE PAGE *by Sharon L. Brienza*

CONGRATULATIONS

WEDDING BELLS



On May 8, 2010 Veronica Laureigh, of Lacey Township (Ocean County) and John Downing were married at the Surf City Yacht Club, Long Beach Island. Despite the windy conditions, the sun was shining as the couple exchanged their vows before family, friends and governing body.

On July 24, 2010, Ceil Covino's (Clinton Borough) daughter, Maria, was married to Alex Radus at the Bank Street Annex in Easton, PA. This isn't the first time Maria has been mentioned in the Quill. She was featured in the July, 2007 issue when she was on The Learning Channel's *Moving Up* series. Mother and daughter were beautiful!



ANNIVERSARY CELEBRATION

On September 10, 2010, Barbara Hawk (retired Laurel Springs Borough Clerk and MCANJ Past President) and her husband Bill celebrated their 50th wedding anniversary!



RECOGNITIONS

Harold Weiner, Irvington Township, (Essex County) was recognized by his Mayor and Council on July 1, 2010 during their Reorganization Meeting on the completion of his 30th year of employment with the Township. Harold's reign in Irvington started with a one-year stint as a consumer affairs officer in 1980 as he had planned to pursue a career as a social worker. Lucky for us, Harold's career path took the turn that it did!



RECOGNITIONS

Elaine Jasko, City of Perth Amboy, (Middlesex County) is putting herself out there for a cause. She is one of ten New Jersey women featured in a new breast cancer awareness advertising campaign for the Central and South Jersey Chapter of Susan G. Komen for



the Cure. Elaine's photo is on billboards at four railroad stations, including the Perth Amboy Train Station.

RETIREES

Several members of the MCANJ family have retired recently. We thank you for your service to the organization and your respective municipalities.

Nancy Hatten, Borough of Tenafly (Bergen County), Past President of the MCANJ (2000) and recipient of the prestigious Clerk of the Year Award in 2007. Nancy was also an instructor for the Center of Government Services for Rutgers teaching the Municipal Clerks courses. After about 1,100 Council meetings, Nancy retired at the end of July from the position she held since December 1987.



Other retirees:

Irene Joline, City of Long Branch, (Monmouth County)
Virginia Lampman, Brick Township (Ocean County)
Bonnie Leonetti, Long Beach Township (Ocean County)
Lydia Magnotti, Jefferson Township (Morris County)
Karen Mount-Taylor, Tinton Falls (Monmouth County)
Lew Thompson, City of Millville (Cumberland County)
Rose Ann Weeden, Manalapan Township (Monmouth County)
Kathleen Wisniewski, Springfield Township (Union County)

You will all be missed and we all wish you the best of luck and happiness in your new ventures – whatever they may be! Speaking of retirees, former Quill Editor Joseph Bennett sent me an article from the local newspaper, "The Coaster" written by George Moffett, former Borough Clerk of Bradley Beach, proving that Municipal Clerks keep on writing!

LEGAL DEFENSE FUND

What another crazy year this has been! One Municipal Clerk let go after 22 years; Municipal Clerks being "Rice Noticed"; a Mayor dismissing a Municipal Clerk and disregarding DCA's directive to reinstate her; and the list just goes on and on and on ... Fortunately the Municipal Clerks mentioned above were also members of the Legal Defense Fund so they were able to be reimbursed for legal expenses. A few that have issues that could have an impact on the entire MCANJ membership are being looked at closely by the Executive Board and legal Counsel. I cannot stress enough that with these crazy times, it is more important than ever to join the LDF.

Sharon L. Brienza, RMC/MMC
Township of Branchburg
Chair, Legal Defense Fund

PROPOSED AMENDMENTS TO THE CONSTITUTION AND BYLAWS

Bylaws: Article I, Section 1

Currently Reads: "There shall be 5 Advisory Board meeting per year; with 1 at the Annual Meeting, 1 at the Education Conference, and 3 to be scheduled at the discretion of the Executive Board."

Amended to Read: "Advisory Board meetings shall be held at the Annual Meeting, at the Annual Education Conference, and other meetings to be scheduled at the discretion of the Executive Board."

All references to "Administrative Consultant" shall be changed to "Executive Director"

**SEE PAGES 10 & 11 FOR FURTHER
PROPOSED AMENDMENTS TO THE
CONSTITUTION AND BY LAWS**

PEOPLE PAGE, continued *by Sharon L. Brienza*

TRANSITIONS

Other recently appointed Municipal Clerks:

Angie Bates, Vernon Township (Sussex County)
Leona Baylor, City of Trenton (Mercer County)
Linda Donnelly, Springfield Township (Union County)
Cynthia Ege, Lambertville City (Hunterdon County)
Maureen Gross, North Hanover Township (Burlington County)
Rayna Harris, Raritan Borough (Somerset County)
Lori Harvin, Jefferson Township (Morris County)
Lissette Aportela-Hernandez, Tenafly Borough (Bergen County)
Greg LaConte, Chatham Township (Morris County)
Rebecca Newman, Rocky Hill Borough (Somerset County)
Cathy Reese, Alexandria Township (Hunterdon County)
Susan G. Robostello, City of Millville (Cumberland County)
Debbie Sopronyi, Hightstown Borough (Mercer County)

Congratulations and best of luck to all!

NEW OFFICERS

The following were elected officers of the Warren County Municipal Clerk's Association during their meeting on June 4, 2010 at Architects Restaurant in Lopatcong Township:

Kelley Smith (Harmony Township), President
Laurie Barton (Alpha Borough), Vice President
Denise Cicerelle (Franklin Township), Treasurer
Lisa Patton (Knowlton Township), Secretary

IN MEMORY

Thomas R. Brodbeck died July 10, 2010. He was licensed by the State of NJ as a Registered Municipal Clerk, Certified Tax Collector, Certified Municipal Finance Officer and Qualified Purchasing Agent. Tom served in these positions for several Somerset County municipalities. He retired from the Borough of Bound Brook in 2005 after serving 15 years as Borough Clerk, Administrator, Tax Collector and Purchasing Agent.

Frances Petit, former Municipal Clerk in the Borough of Woodbine for more than 31 years passed away recently. Franny was one of a kind and she will be sadly missed by those fortunate enough to have called her friend.

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SPOTLIGHT ON: SALEM COUNTY

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

With a rich legacy of historical places and events, a vast array of natural resources and open spaces, a stable farming community, and a strong economic job base, Salem County offers a unique quality of life. Nestled in the southwest corner of New Jersey, Salem County is within easy driving distance of Philadelphia, New York, Wilmington, Washington, D.C., Baltimore, and Atlantic City.

Interested visitors can leave urban sprawl behind, get away for a day or a weekend, and enjoy the natural beauty of woodlands, meadows, and tidal and freshwater wetlands. Discover exciting pieces of American history, critical to our nation’s early development, which have been preserved for future generations to enjoy and to learn from. Discover our cultural identity defined and shaped by people who share common values, rituals, and traditions.

Salem, which means peace, is a place steeped in history and tradition. The county is the site of the first Quaker colony in North America, which was established in 1675. The majestic Salem Oak, which still stands today, is said to be the site where John Fenwick, a member of the Religious Society of Friends, entered into a treaty with the Lenni-Lenape tribe for the land that is Salem County today.

The exchange between John Fenwick and the Lenape Indians planted the seed that would grow into Salem County’s rich history. Even in those early days, Salem County had a reputation for being a peaceful place, and that quality attracted many settlers, including Swedes, Germans, Finns, Africans, Irish, and French Huguenots. In time, Salem became home to distinctive architecture, a rich maritime heritage, and many Revolutionary War sites. To this day, visitors to the county can see the sacred grounds where men lost their lives in this country’s fight for freedom.

Much like times past, Salem County is still a place of open spaces, making it attractive to the agricultural industry and business developers alike. While 42.6 percent of the land is under active farm cultivation, county developers, and builders are cultivating the terrain for new businesses and industry.

Salem County features some of the finest environmental tourism attractions in New Jersey. The county’s natural features include six rivers, more than 34,000 acres of meadow and marshland, tidal and freshwater wetlands, 40 lakes and ponds, bay beaches, dunes, expansive woodlands, a critical underground aquifer, numerous streams, and important headwaters. Salem County covers 338 square miles, and nearly half of the land is used for farming.

Peaceful surroundings, coupled with a solid, diverse educational system, a variety of state-of-the-art health care options, and distinct small-town communities, make Salem County a great place to live, to work, and to play.

(All information taken from the Official Website of Salem County,
<http://www.salemcountynj.gov/cmssite/>)



PLEASE HELP SUPPORT THE MUNICIPAL CLERKS EDUCATION FOUNDATION

Established in 1984, the Municipal Clerks Education Foundation is a tax-exempt non profit foundation under Section 501(c)(3) created for the sole purpose of raising funds for its partner, IIMC, to use in promoting, training and educating Municipal Clerks. Board members are comprised of Municipal Clerks, both active and retired, corporate and government officials who are committed and dedicated to our mission: “The Municipal Clerks Education Foundation is made up of a diverse team of volunteers passionately committed to raising endowed dollars whose earnings help IIMC”. The MCEF Board members volunteer their time and a majority of the members use their personal funds to cover travel expenses and are committed to annual contributions to IIMC through MCEF. Since its inception, MCEF has awarded or contributed more than \$586,411 toward Municipal Clerk Scholarships and IIMC Education Programs. IIMC dues renewal forms offer an opportunity to donate \$25 to the Municipal Clerk Education Foundation (MCEF). Earnings from endowments support scholarships and other education programming. Endowed funds can be designated for specific purposes. Thank you for your support and donations to MCEF. We urge you to continue investing in the future of our profession by donating to MCEF on your annual IIMC dues form, moving to the next Society Level and participating in fundraising activities. If you have questions about MCEF, please contact any of our members or view information available on the IIMC website at www.iimc.com.

IMMUNITY, FAIR DEALING AND HONEST SERVICES

By Richard Lustgarten, MCANJ Legal Counsel

In early commentaries on the development of English Common Law, the doctrine that “the King can do no wrong” was prevalent. In practice, this meant that no matter how arbitrary the actions of the sovereign were, the citizens of the realm had no redress through the Courts, but could only petition the sovereign or engage in insurrection. The rather rigid caste system of nobles, warriors, clergy and serfs existed for several hundreds of years under this procedure. In the American colonies, while the caste system was essentially abandoned, case law developed in a way that carried over most, if not all, of the sovereign immunity that had existed in England. Over the years, New Jersey followed the general trend in this regard. After the adoption of the 1947 New Jersey Constitution, New Jersey Courts rendered decisions, upholding immunities for the most part, but carving out a few exceptions. This changed in 1972 when the Legislature adopted the New Jersey Tort Claims Act (N.J.S.A. 59:1-1 et seq.). Effectively, the Act superseded all prior Common Law causes of action for negligence alleged against public entities. N.J.S.A. 59:1-2, sets forth the legislative declaration that recognizes the inherently unfair and inequitable results which occur in the strict application of the traditional doctrine of sovereign immunity while recognizing that in order for government to operate effectively, public entities would only be liable for negligence within the limitations of the Act and in accordance with the fair and uniform principles set forth in it. The general trend of cases since 1972 presumes immunity unless otherwise specifically stated. The statute was in response to a Supreme Court decision in 1970 (Willis), which effectively abrogated sovereign immunity for tort claims in that particular case. The Court however, invited the Legislature to respond to the decision, which it did in adopting the Tort Claims Act two years later. The Act is strictly construed in favor of immunity for the governmental entity. In general, the immunity is broad based, covering such things as roadway solicitations, computer failure in certain circumstances, police chases, exercise of discretion, good faith execution and enforcement of laws, failure to make inspections or negligent inspection of property and the like. Negligence is imposed on the government entity when the actions that the public entity has undertaken are “palpably unreasonable” or when there is negligence arising out of acts or omissions of its employees in carrying out their ministerial functions.



The Act also sets forth when a public employee is entitled to immunity, or when liability may attach. In general, a public employee is not liable for an injury where a public entity is immune from liability for that injury. Built into the immunities is the concept that a public employee is not liable if he acts in good faith in the execution or enforcement of any law, with the exception of false arrest or false imprisonment. Good faith has been defined as honesty of purpose and integrity of conduct without knowledge, either actual or sufficient to demand inquiry, that the conduct is wrong. The public employee either must demonstrate “objective reasonableness” or that he behaved with “subjective good faith” to take advantage of the immunity. It is also important to note that the immunity for a public employee does not apply if it is established that his conduct was outside the scope of his employment, or constituted a crime, actual fraud, actual malice or willful misconduct. The development of the outer limits of the immunity or not, is ongoing. This article does not address all of the types of claims that may be brought under the Act or all of the immunities that apply and a full reading of the statute is necessary to understand its full impact. Please note further that assertions under Federal Civil Rights statutes for alleged governmental employee violations are not immunized by the Tort Claims Act, which is a State statutory framework. Virtually, every week there is a new case that is rendered by the courts, further defining and delineating the limitations or applications of the statute. It has also long been held that municipalities must act in good faith and fair dealing in exercising its governmental responsibilities. Unless an action is *ultra vires* (“beyond the power”) of the municipality, which renders the action void, it must exercise its statutory and implied authority on a non-discriminatory and open basis. Hence, we have laws such as OPRA and OPMA, which create the transparency under which government operates to determine whether it has acted appropriately both procedurally and substantively. Over the years, unfortunately, there have been many notorious cases where public officials (elected or appointed) have violated their oath of office and statutory duties. The sensationalism that these cases bring obviously impacts the reputation of the overwhelming number of public officials and employees who complete their tasks with honesty and integrity. Despite a significant number of State criminal statutes, Congress enacted 18 USC Section 1346, which is known as the “Honest Services Fraud” statute. This Federal statute cross references mail fraud, wire fraud, bank fraud and health care fraud. This statute was adopted in 1988, and the language “scheme or artifice to defraud” was expanded in its meaning to include deprivation of various intangible rights including the right of governments and private employers to the “honest services” of their employees. Using the statute expansively, Federal prosecutors achieved indictments and convictions in multiple scenarios which included conflicts of interest or self dealing. In 2009, this expansive approach was criticized as having a vast reach and unclear definition of what “honest services fraud” would cover. Justice Scalia, an acknowledged conservative voice on the United States Supreme Court, felt that if office holders and employees owed a duty to act only in the best interest of their constituents and employers, then the Federal statute could render criminal the action of a legislator voting for a bill to curry favor with a members of the electorate, a public official’s attempt to use the prestige of office for favoritism, or, in his words “Indeed, it would seemingly cover a salaried employee’s phoning in sick to go to a ball game.” Fortunately, this year, in a case called *Skilling v. United States*, the United States Supreme Court clarified that this Federal statute covers only bribery and kick back schemes, but does not cover conflict of interests or self dealing. The Court did however invite Congress to revisit the statute to more narrowly draw it if it wish to cover transactions other than bribery and kick-backs (but it is questionable whether Congress can draw such a narrow statute to pass constitutional muster).

All of the above indicates that if you act fairly, decently, in good faith and honestly, you will be basically immunized from Tort Claim liability and do not have to worry that some zealous prosecutor could utilize a Federal statute to criminalize your actions. Happy fall, and see you at the convention.

PROPOSED AMENDMENTS TO THE CONSTITUTION AND BYLAWS

continued from Page 7

Article II, B.2

Delete: "If the Municipal Clerk is a member, a Deputy may join."
Add: "A Deputy Municipal Clerk may join as an Associate Member"

Article II, Section D.1

Delete: the words "Pro-rata".

Article III, Section 1.A

Add: "Immediate Past President" to list of officers

Article III, Section 1.C

Amend to read: "All Officers will receive remuneration as stipulated in the Budget for the year. All Officers may be reimbursed for out-of-pocket expenses, as approved by the Executive Board"

Article III, Section 3.B

Add: "The Second Vice-President shall be responsible for the Annual Education Conference registrations".

Article III, Section 4.A

Delete: "All bills authorized to be paid shall be recorded in the minutes of the Advisory Committee and approved at that meeting".

Article III, Section 4.D

Delete: "Accounts audited quarterly by the auditor".
Add: "Accounts audited annually by the auditor".

Article III, Section 4.E

Delete: "The Treasurer shall submit quarterly audited reports to the Advisory Committee at the quarterly meetings of such Committee".

Article III, Section 4.F

Delete: The Treasurer shall be reimbursed in the amount not to exceed the sum of \$500 deemed appropriate by the Executive Board for out of pocket expenses incurred in the conduct of that office.

Article III, Section 5.A

Currently Reads: The Secretary shall keep a record of the attendance of the members of the Executive and Advisory Committee Board attending all Advisory Committee Board meetings.

Delete: "Committee" in both places.

Article III, Section 5.B

Delete: "The Secretary shall forward a copy of minutes to the officers and to each member of the Advisory Board, Past Presidents' Council, and Chairperson of each Standing Committee".

Add to read: The Secretary shall keep a book of minutes in which shall be recorded the business proceedings of the Associations, and said minutes will be available at the Advisory Board meetings for review and approval. Once approved, said minutes shall be placed on the Association's website.

Article IV, Section 1.A

Amend definition of Executive Board to read: "The Executive Board shall consist of the President, First Vice-President, Second Vice-President, Treasurer, Secretary, and Immediate Past President"

Article IV Section 2.A

Currently Reads: "Advisory Board will meet quarterly".
Amend to Read: "Advisory Board will meet in accordance with a schedule determined by the incoming President".

Article IV, Section 4.A (Standing Committees)

Delete: "Finance Committee"
Amend: "Membership Committee" to "Membership/Peer Alliance for Learning (PAL) Committee".
Amend: "Professional Development Committee" to Professional Development/Mini Conferences Committee".

Article IV, Section 4.B.1

Amend to Read: "The Education Committee in cooperation with Rutgers University shall provide the educational opportunities required to achieve the certification and recertification as Municipal Clerks. The Conference Committee in conjunction with the Education Committee shall prepare the program for the Annual Education Conference".

Article IV, Section 4 B.4

Delete: Finance Committee (Covered in other areas)

Article IV, Section 4 B.6

Delete: "Education Foundation" (Does not exist)

Article IV, Section 4 B.7

Add: "Chair of the Information Technology Committee shall receive a stipend in an amount determined by the Executive Board"

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MEET YOUR CANDIDATE FOR MCANJ SECRETARY: KEITH KAZMARK !

It is my pleasure to introduce myself to you as your candidate for Secretary of the Municipal Clerk's Association of New Jersey. Growing up in Woodland Park (formally West Paterson), I attended Syracuse University where I received a Bachelor's degree in education and later went on to earn a Master's Degree from the New York Institute of Technology. After college, I began my teaching career and sought a Council seat at the age of 22. I have had the privilege of serving three terms as a Councilman. Once I learned the inner workings of local government, I found it was my true passion, and entered the government sector. As a Councilman, I've served three, one-year terms as Council President, as Chairman of the Recreation & Community Relations Committee and as Chairman of the Health & Senior Services Committee. I've also served as a member of the Municipal Alliance Against Drug & Alcohol Abuse, as the coordinator of the Harold "Hatch" Van Winkle Scholarship Fund and was a founding member of the Passaic Valley High School Education Foundation. I remain a member of the Woodland Park Boys and Girls Club. My wife Dr. Lauren Kazmark and I became proud parents of our son Alexander on February 13, 2010. In December, I will retire from the Woodland Park Council to focus all my attention on my family and my professional career. I've had the pleasure of serving the Borough of Elmwood Park since January 1, 2007 as the Municipal Clerk. My goals continue to be promoting efficiency, adapting new methods of saving tax dollars and bringing the Clerk's Office into the 21st century. Working with our residents and the Governing Body in Elmwood Park, we have increased transparency by televising and providing streaming video of Council meetings on our extensive website. I've also worked with my staff to ensure the Clerk's office is responsive to the community and ensuring the integrity of public records and elections. In June of 2010, the Elmwood Park Mayor and Council assigned administrative duties to my position as Municipal Clerk. In a very short time, working together, we have achieved considerable savings through shared services and prudent procurement to meet the needs of our municipality. Since becoming Elmwood Park's Municipal Clerk four years ago, I have rigorously continued my professional education in our field through the Rutgers University Center for Government Services Registered Municipal Clerk's Certification Program, and I have attained the Certified Municipal Clerk designation from the International Institute of Municipal Clerks. I also serve as Chair of the Peer-to-Peer Committee for the Bergen County Municipal Clerk's Association. As the Secretary of the Municipal Clerks' Association of New Jersey, I pledge to continue providing accountability and efficiency by making sure MCANJ members are fully informed of the workings of the Association, and promoting our professional goals and accomplishments. I respectfully ask for your consideration for the position of Secretary of the Municipal Clerk's Association of New Jersey.



PROPOSED AMENDMENTS TO THE CONSTITUTION AND BYLAWS, Continued from page 10

Article IV, Section 4 (12&13)

Combine: "Member Committee with the Peer Alliance for Learning Committee"

Article IV, Section 4 B.16

Add: "the Editor of the Quill shall receive a stipend in an amount to be determined by the Executive Board"

Article IV, Section 4 B.17

Rewrite the Raffles Committee to read: "The Raffles Committee shall conduct such appropriate events as determined by the Executive Board. At the Transition Meeting each year, the Executive Board will determine if the proceeds from these raffles should be directed to the fundraising efforts for the 2013 IIMC Conference or be retained by MCANJ depending on the financial condition of the Association at the given time."

Article IV, Section 4 B.19

Add: "The resolutions are to be provided to the Secretary for inclusion in the minutes of the Annual Meeting."

Article VI, Section 2.A

Add: "Annual" to the Education Conference

Article VI, Section 2.D

Add: "No electioneering or forms of enticement can occur at the Annual Business Meeting/Election of Officers."

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The Annual Business Meeting will be held on November 17, 2010 at the Tropicana Casino and Resort Hotel. Tickets are \$30 each and are available through your Advisory Board representative.
MCANJ Breakfast Buffet will be served from 8:30-9:30 a.m.
Annual Business Meeting will begin at 9:30 a.m.
2011 MCANJ Officers sworn in; Newest RMCs, CMCs and MMCs honored
Who will be “Municipal Clerk of the Year”?

ATTENTION ALL ATLANTIC CITY LEAGUE ATTENDEES

We would like to renew our annual request for volunteers to help us staff the MCANJ booth at the League Convention. If you can spare an hour of your time, between 9 am—5 pm on Tuesday (Nov 16) or Wednesday (Nov 17), and 9 am—1 pm on Thursday (Nov 18), it would be greatly appreciated! Please contact Cynthia Dalessio via E-mail at woodstownclerk@comcast.net to sign up for the time slot(s) of your choice, or contact me, Ceil Covino, at ceil0819@yahoo.com. Thank You!

Ceil Covino 2010 Chair,
Public Relations/Booth Committee

DEADLINES FOR NEWS ITEMS

The deadline for the January 2011 issue is December 3, 2010. Please send People Page news to Sharon L. Brienza, Municipal Clerk, Branchburg Township, 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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