

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY
 SEPTEMBER 21, 2007 ADVISORY BOARD MINUTES
 TOMS RIVER, NJ

President Barbara Hawk opened the meeting with a salute to the flag.

ROLL CALL EXECUTIVE BOARD

Members	Present	Absent
President Barbara Hawk	X	
1 st Vice President Heather Mailander	X	
2 nd Vice President Joan Moreland	X	
Treasurer Vincent Buttiglieri		X
Secretary Joanne M. Kwasniewski	X	
Immediate Past President Elaine Kennedy	X	
Administrative Consultant L. Manuel Hirshblond	X	
Legal Counsel Thomas Segreto	X	

ROLL CALL OF ADVISORY MEMBERS

County	Advisory Board Member	Present	Absent
Atlantic	Carol Raph		X
Bergen	(Joanne M. Kwasniewski)	X	
Burlington	Patricia Hunt	X	
Camden	Nancy Saffos	X	
Cape May	Theresa Tighe		X
Cumberland	Keith Petrosky		X
Essex	(Harold Weiner)	X	
Gloucester	(Pat Frontino)	X	
Hudson	Robert Byrne		X
Hunterdon	Ceil Covino		X
Mercer	Sharon Young	X	
Middlesex	John Mitch	X	
Monmouth	(Joel Popkin)	X	
Morris	(Lydia Magnotti)	X	
Ocean	Bette Mastropasqua	X	
Passaic	Jane Williams-Warren	X	
Salem	Maureen Abdill		X
Somerset	(Sharon Brienza)	X	
Sussex	Denise Stagnari		X
Union	Kathy Wisniewski		X
Warren	Theresa Tamburro	X	

Quorum was met.

Moment of Silence

President Hawk asked for a moment of silence for Bill Rae, formerly of Rutgers, all our soldiers around the world, Denise Szabo and Bonnie Leonetti who lost their spouses and Jane Williams-Warren who lost her brother.

Approval of Minutes

On a motion by Nancy Saffos, seconded by Sharon Brienza and carried unanimously by voice vote, the minutes from the June 29, 2007 Advisory Board Meeting were approved.

Treasurer's Report –

In the absence of Treasurer Buttiglieri, 2nd Vice President Moreland stated that there are 846 members. She distributed a summary of accounts showing that as of September 13, 2007 the Association has a CD with a balance of \$100,030.41 and two CD's with

balances of \$20,008.43 each and the checking/savings account balance is \$25,957.52 for a total balance of \$166,004.79. She also distributed the 2007 budget summary showing the approved budget in the amount of \$110,350 with revenues of \$205,194.93 and expenses to date of \$143,954.66.

She also distributed the August Reconciliation Report and the Itemized Categories report from January 1, 2007 through September 14, 2007.

On a motion by Immediate Past President Kennedy, seconded by Nancy Saffos and carried unanimously by voice vote, the Treasurer's Report was accepted.

Secretary's Report – Joanne M. Kwasniewski

Secretary Kwasniewski announced that one qualified applicant applied for the position of Secretary and that is Andrew Pavlica, Municipal Clerk of Garfield. He will be sworn in at the Annual Business meeting in November.

2nd Vice President's Report – Joan Moreland

2nd Vice President Moreland reported that 49 rooms have been reserved for the League of Municipalities Conference. MCANJ, Inc. has a block of 60 rooms. So far 38 breakfast tickets have been sold. She has extra tickets if anyone needs them.

1st Vice President's Report – Heather Mailander

1st Vice President Mailander reported that Immediate Past President Kennedy will participate in a joint session with the Tax Collectors/Treasurers, Assessors and GFOA on Tuesday of the League of Municipalities Conference which will be a legislative update. On Wednesday morning the Annual Business Meeting will be held at which time the officers will be sworn in and the Municipal Clerk of the Year announced. 2nd Vice President Moreland will participate in a joint session entitled Maintaining Decorum to Videotaping at Municipal Meeting. Also on Wednesday, Immediate Past President Kennedy will participate in a pay to play session. On Thursday James Doherty, Dawn Human, Joel Popkin and Kevin Yecco will present a program on elections, licensing and finance.

She continued that the 2008 Conference will be held April 21-24 at the Tropicana. The education program will offer CEU's in all categories. A keynote speaker of IIMC caliber will be speaking on Tuesday. They have added a session at 3:00 p.m. on Monday on internet safety. Save the Date cards will be sent out at the end of November.

1st Vice President Mailander reported that she is working on the 2008 committees and Advisory Board members. She asked everyone to let her know which committees they would like to serve on.

Immediate Past President's Report – Elaine Kennedy

Immediate Past President Kennedy reported that she still has some Desk Reference CD's

President's Report – Barbara Hawk

President Hawk reported that the Executive Board drafted "Guidelines for Sponsoring Mini Conferences by MCANJ."

Upon a motion by Sharon Brienza, seconded by Immediate Past President Kennedy carried unanimously by voice vote, the Guidelines were approved.

The Executive Board will be applying for the Municipal Clerks' Education Foundation Grant for 2008.

The Executive Board received nine responses to the RFP's for legal counsel. The Executive Board agreed to continue with the services of Tom Segreto as the legal counsel.

President Hawk reported that due to the extensive requests from Municipal Clerks in need of assistance from the MCANJ Legal Defense Fund and the numerous responses by telephone and letters required by Attorney Segreto, the Executive Board will be appropriating additional funds for the added legal expenses that are being incurred. They have been trying to work with the DCA and the governing bodies to resolve some of the issues.

President Hawk advised that she sent a memo to all 2007 Committee Chairs asking them to send their annual reports to Sharon Brienza by October 22, 2007 so that she can prepare the Annual Report for the Annual Business meeting. Ms. Brienza indicated that she has received some of the reports already.

President Hawk has been invited to attend the GFOA Fall Conference in Atlantic City on Thursday, September 27, 2007.

President Hawk announced the retirements of Kathy Sayers, New Milford on October 1, 2007 and Eileen Sarubbi, Westwood on November 1, 2007.

A thank you card was received from Jane Williams-Warren. President Hawk asked that everyone keep Ms. Williams-Warren and her family in their thoughts and prayers.

President Hawk continued that she received information from Carol Raph, Municipal Clerk of Northfield City that OPRA requests for addresses on dog and cat licenses should be not be released. This is the latest decision by the GRC.

Mini conferences will be held on October 1 in Bloomsbury, on October 11 in Essex County and on October 17 in Union County. Bette Mastropasqua stated that she has been emailing this information to all the Municipal Clerks.

Administrative Consultant's Report - L. Manuel Hirshblond

Administrative Consultant Hirshblond reported that booth furnishings have been ordered. The booth is in the same location as it was for the 2007 conference.

Legal Counsel - Tom Segreto, Esq.

Attorney Segreto reported that his office has been addressing various legal issues from Municipal Clerks around the State. He mentioned the problems with the appointment of an Acting Clerk. The governing body can appoint an Acting Clerk for one year. With the permission of DCA two additional one year appointments may be made. One municipality is saying that the appointment can be for a term up to one year. It is a term appointment. DCA has indicated that the municipality is correct in saying that the term can be for any time up to a year. He has tried to politely educate them on what the statute says.

The Executive Board and the LDF chairperson met in July to discuss certain amendments to the LDF bylaws to reflect practical circumstances. He read the resolution authorizing the amendments to the bylaws for the Legal Defense Fund and then briefly explained the changes.

Attorney Segreto explained that there have been many issues that have arisen where the MCANJ has been asked to appear amicus curia in support of a municipality dealing with OPRA issues and the timeframe a requestor can file a complaint. In this instance the requestor is saying that the 45-day rule does not apply to OPRA. The municipality is arguing that if someone has not filed a complaint against the Municipal Clerk within 45 days, the right to pursue has been waived. These issues and others have created an increased need for the involvement of MCANJ so the allotted hours have been exceeded.

The MCANJ has received the State tax exempt status and he is in the process of obtaining the Legalized Games of Chance license to conduct raffles.

Chris Wilder stated that they do not receive any information in their packages relating to the LDF. It is a separate entity but it would be nice to know how much money is available. She wondered if the LDF had a budget for legal expenses for issues relating to the LDF that is separate from the MCANJ budget.

Attorney Segreto explained that MCANJ is the master corporation. LDF is a subsidiary committee. The fund is segregated because it is receiving private funds and the purpose of the fund is to pay for claims that members who participate make.

Ms. Wilder thought MCANJ does benefit from a decision made in favor of the individual members.

Secretary Kwasniewski pointed out that the items Attorney Segreto has been working on have not been LDF claims. He has been working on issues on behalf of the Association not for one individual.

Attorney Segreto added that the LDF is a segregated fund and people have the expectation that the money they have paid into the Fund is being held in trust. The by laws would have to be amended and the members of the LDF would have to be notified that a portion of the proceeds would be used toward legal expenses for the LDF.

Ms. Wilder moved that the Executive Board seriously consider amending the bylaws accordingly.

Ms. Brienza pointed out that there are less members of LDF than there are members of MCANJ. She did not think that members of the LDF would like the funds to be used to pay for general legal expenses.

Attorney Segreto stated that they would have to specify the types of legal expenses that would be paid. He thought it would be inappropriate to use LDF funds to address a matter of general concern to the membership. However, it might be appropriate to charge legal expenses to the LDF for work that was performed relating to the administrative function and for things that were specific to the LDF.

There was no second so the motion died.

Patricia Hunt stated that she has a problem if the funds are used for general legal expenses and expressed concern that the funds would not be available to pay for claims by members of the LDF. Attorney Segreto assured her that no funds have been expended from the LDF except for claims. If a member wishes to make a claim and hire the general counsel to the MCANJ that may not be a problem and under those circumstances the attorney would be paid by the LDF. If a claim is made to the LDF which may have such a general application the attorney for the MCANJ made be paid up to the cap and if there were additional expenses related to that matter they may be paid by the general fund of the MCANJ.

Attorney Segreto continued that he has been discussing with the Executive Board ways to streamline the types of services provided and try to find alternative ways for things that he is presently doing to be done by the Association so that legal fees are minimized. They are looking at such things as attendance at the meetings, emails and the legislative committee is doing a great job so that the amount of time he has to spend on research has been reduced.

Ms. Wilder asked if there was a problem with the membership being aware of how much money is in the fund. Administrative Consultant Hirshblond indicated that he gets a statement each month. He sends a copy to the chair of the LDF Committee and to the Treasurer. It should be included in the Treasurer's report.

Administrative Consultant Hirshblond continued that he has just received the application to the LDF from the Municipal Clerk with the problem concerning the Acting Municipal

Clerk designation. Attorney Segreto stated that it was the Director Susan Jacobucci who indicated that the term could be up to one year. Dan Kaminsky has said the statute is the same as the statute pertaining to the Chief Finance Officer. Attorney Segreto pointed out that the statute concerning the temporary appointment of the CFO does not mention anything about a term appointment. He also expressed concern that if the DCA is interpreting term to mean anything up to, then the three-year term for a Municipal Clerk can be anything up to three years which is a dangerous precedent. He wants the Attorney General to give an opinion to dispute his reasoning of the law.

Bette Mastropasqua noted that DCA cannot enforce the statutes. She suggested that they need to consider proposing legislative changes although the argument is that they do not want to make things worse. Attorney Segreto cautioned them about proposing legislation. The MCANJ cannot lobby without jeopardizing its 501(c)3 status. It would have to be done very carefully. It could not be proposed directly by the MCANJ although the County Associations may be able to do so. He also expressed concern that even if they drafted the legislation they wanted, the legislators could change it and the outcome might be worse.

Secretary Kwasniewski expressed concern that any changes they proposed could lead to the opportunity by the legislators to eliminate tenure. Ms. Mastropasqua noted that the statute is falling apart slowly as it is.

Upon a motion by Immediate Past President Kennedy a second by 1st Vice President Mailander the resolution authorizing amendments to the bylaws of the Legal Defense Fund was unanimously passed.

Attorney Segreto also read a resolution authorizing an emergency appropriation to meet certain extraordinary expenses incurred by reason of additional legal fees for 2007 which have resulted in exceeding the contract 130 hours allotted for legal work.

Secretary Kwasniewski suggested that the resolution should be amended to say "not to exceed" \$5,000.

Upon a motion by Immediate Past President Kennedy and a second by Secretary Kwasniewski the resolution authorizing the emergency appropriation to meet certain extraordinary expenses incurred by reason of additional legal fees for 2007 which have resulted in exceeding the contract 130 hours allotted for legal work as amended was unanimously approved.

Constitution & By-Laws - Harold Weiner reported that they will be proposing one change to the by-laws to indicate that there are five Advisory Board Meetings; one at the League of Municipalities Conference, one at the Annual Education Conference and three others at the discretion of the Executive Board. The proposed change will appear in the October issue of the Quill.

Education Committee - Drew Pavlica reported that President Hawk attended the last Education Committee meeting. They met with Lori Buckalew concerning the Study Guide and Desk Reference. The Finance Chapter has been rewritten. She met with the Finance Instructors and Joe Valenti so that the new rules, regulations and laws effective to September will be included except for the new cap law. The Education Committee was not successful this year in securing new instructors. They need new instructors. Letters have been sent to those who have obtained their RMC designation inviting them to attend the Annual Business Meeting to receive their pins.

Immediate Past President Kennedy expressed concern that instructors no longer have to take the train the trainer course given by Rutgers before auditing a class. Joel Popkin added that some students have been taking classes without taking the prerequisite course. Secretary Kwasniewski noted that it is possible to do that provided that permission has been received from the Education Committee. Concern was expressed that is no longer happening.

Education Conference – Joel Popkin reported that the 2007 Education Conference was very successful. They have a very good committee that has begun working on the 2008 Conference. 1st Vice President Mailander stated that they will be applying for

CEU's from DCA and the IIMC. Mr. Popkin added that they will also be applying to DCA for CEU's for other Associations.

Mini-Conference (North) – No report.

(Central) – No report.

(South) – Nancy Saffos reported that they will be having a mini-conference on October 15 with Susan Jacobucci presenting a seminar entitled "Jeopardy for Clerks." They will receive 1.5 CEU's in Finance and 1.5 CEU's in Ethics.

Professional Development - There was no report.

Elections – Jane Williams-Warren distributed a list of bills that have been introduced concerning elections. She reported that they will not have the verified paper trail until the Primary in 2008 since the machines are not ready. Some Municipal Clerks have been experiencing problems with the use of schools on Election Day. Donna Kelly has said that it is mandatory that they have to let the municipality use the schools. Some of the schools are saying that the municipalities have to provide security.

She reported that she attended the New Jersey Election Official's Meeting. She mentioned the issues that she presented at that meeting including polling place hours, the February 5, 2008 primary, board worker training, compensation for Municipal Clerks transportation of provisional ballots and consolidating Title 19 and Title 40. Linda Von Nessi is the Incoming President. The Election Official's goal is to try to go back to the 29 days for voter registration. Other issues discussed included reimbursement for the February primary and possible inclement weather for that Primary.

She distributed two letters on exit polling issued by the Office of Attorney General. Exit polling is allowed provided certain requirements are met.

Ms. Williams-Warren advised that the Governor appropriated monies for the Primary Election in February. The municipalities should be receiving funds. Funds are also being distributed for the handicapped ramps. The money is going to the County so requests must go to the Board of Elections.

Fund Raising – Joel Popkin modeled the shirt which will be sold at the Education Conference.

Information Technology/Web Page - Bette Mastropasqua reported that she continues to send mass emails about mini-conferences and seminars.

Legal Defense Fund - Sharon Brienza reported that 40 new members have joined the Legal Defense Fund. The fund has about \$100,000.

Legislative Review - Immediate Past President Kennedy reported that the Legislative Committee will begin meeting again on October 10 in Princeton.

Laws Affecting Municipal Clerks – Sharon Young reported that they have not met in the last few months but they have a system in place where they each review the bills during the month and then send a report which is published on the website.

Manual Review Committee – The updated disc will be distributed at the Annual Education Conference.

Membership North – There was no report.

Membership Central - There was no report.

Membership South – There was no report.

Peer Alliance - There was no report.

Past Presidents' Council - Jane Williams-Warren reported that she sent letters to the Past President's Council to reach out to the past Municipal Clerks of the Year to see if they wished to purchase the pin. She has not heard from anyone.

Public Relations/Booth - Lydia Magnotti distributed the booth schedule asking those present to sign up to man the booth. She will be sending confirming letters. They will have two giveaways. Tropicana is donating a one night stay and MCANJ will be getting two gift certificates of \$100. The drawing will be Thursday morning. A new scroll was made. She expects to display the officers' pictures and the Governor's proclamation.

Bernadette Standowski suggested looking into purchasing a new booth since newer models are lighter and probably easier to assemble. President Hawk advised that when she was at the Mayor's Conference, someone from Verizon showed them an easier way to assemble the booth although it is still cumbersome.

1,500 eye glass cleaners have been ordered and will be distributed to Municipal Clerks who stop by the booth.

Quill - There was no report.

Records – Harold Weiner reported that he attended a GRC meeting on July 25, 2007, He reported on the case of Alan Johnson vs. Oceanport, GRC 2007-1007 which involved a request for emails. The case was sent to the OAL to determine whether a governing body member willfully violated OPRA and if any official other than the Municipal Clerk can be fined.

There was a ruling in Union County on September 7, 2007 upholding the GRC's ruling if an OPRA request is not on an approved OPRA form then it is not an OPRA request. The Associated Press has indicated that they are going to take this matter to the Appellate Division.

Additional municipalities need to adopt resolutions in support of A-172 and S-2039 which would exempt the Municipal Clerk from fines under certain circumstances if there is any chance of that legislation passing. Ms. Mastropasqua indicated she will send an email reminding everyone to do so.

Resolution – Sharon Brienza reported that Vita Mekovetz is asking for the names of the Municipal Clerks who have retired or passed away this year.

Scholarship -. There was no report.

Region II – Chris Wilder reported that she had contacted Bill Dressel of the League of Municipalities who was very enthusiastic about the IIMC Conference and offered to help He has called three times. He contacted the head of the Convention Bureau who in turn called Ms. Wilder. On August 27 she met with two staff members of the Atlantic City Convention and Visitor's Authority and the general manager of the convention center. The traditional dates for the Conference were available. She gave them copies of the IIMC Digest and last year's program so they would have an idea of what was needed. They discussed the All Conference Event and the opening reception and some possible ideas. She continued that IIMC has said that 40 education rooms are required. Due to that number the Convention Center with the Sheraton as the host hotel seems to make the most sense. Ms. Wilder mentioned the MCANJ's long-standing relationship with the Tropicana. They have contacted the Tropicana and the Taj Mahal. The convention bureau will go to the Board meeting with other representatives to make the presentation. They provide the film. MCANJ has to make up the packet.

Ms. Wilder indicated that the ad hoc committee would probably meet some time during the League of Municipalities Convention.

Ms. Wilder concluded that the packet is due by May 2008. The packet is then reviewed by the staff. If it passes their review, a presentation will have to be made in October or November 2008.

OTHER BUSINESS

Comments for the Good and the Order – Kathy Thorpe was thrilled that they will be submitting the grant application. She also mentioned the various scholarships that are available. She also distributed the MCEF walk/run form for 2008.

Ms. Williams-Warren thanked everyone for the cards of condolences, the calls and for keeping her and her family in their prayers.

County Reports

Atlantic – No report.

Bergen – Treasurer Kwasniewski reported that Bergen County continues to meet and offer CEU's. In October the Board of Election, the Superintendent of Elections and Commissioner of Registration will be attending the meeting. Bergen County has a peer alliance committee that works with new Municipal Clerks. New officers will be sworn in December.

Burlington - Patricia Hunt reported that they will be meeting on September 27. Joe Valenti will be the guest speaker.

Camden – Nancy Saffos reported that they will be meeting on October 5 for an Election seminar.

Cape May – There was no report.

Cumberland – There was no report.

Essex – Harold Weiner reported that they have an all day session scheduled for October 11 with CEU's in licensing.

Gloucester – Pat Frontino reported that their next meeting is on October 29. They are still working on obtaining a speaker.

Hudson - There was no report

Hunterdon – There was no report.

Mercer – Sharon Young reported that they held their County meeting yesterday. Mr. Vasolow of Alcoholic Beverage Control was the speaker. They are meeting next Thursday with the Superintendent of Elections.

Middlesex – John Mitch reported that they had the Executive Editor of the Gannett News at their meeting. He spoke about forums on line, where the press is really going and how to work with the press. They received CEU's in professional development.

Monmouth – Barbara Bascom reported that their next meeting will be on September 28. For the first time they will not be offering CEU's but instead they will be having a round table discussion.

Morris – Sheila Seifert reported that their meeting will be on October 12. They will have a session on OPRA and Records Management. On October 17 there will be a session in Long Hill Township. The speaker will be from the Government Records Council. The County of Morris received funds from the PARIS grant for the needs assessments. They have a Deputy Clerk mentoring program.

Ocean - Bette Mastropasqua reported that Ocean County will be meeting October 26. They will be offering CEU's for Registrars and Professional Development. They have been finding it difficult to find topics and speakers.

Passaic - Jane Williams-Warren reported that they will be meeting on October 11. They will have someone from HAVA, the County Clerk's Office, Superintendent of

Elections and someone from the Board of Elections. Some of the concerns they have had with the Statewide Voter Registration System is that people have been placed in the wrong districts and wards.

Salem - There was no report.

Somerset – Sharon Brienza reported that she spoke to Patricia DiRocco, the President of Somerset County Clerks Association who advised that Denise Szabo was working on a program for October with the Government Records Council.

Sussex - There was no report.

Union – There was no report.

Warren – Theresa Tamburro reported that they met yesterday. It was the first meeting with the new slate of officers. Teresa A. DeMott, Municipal Clerk of Belvidere is the President, Kelley Smith, Municipal Clerk of Harmony is the Vice-President, Kathleen Reinalda, Municipal Clerk of White is the Treasurer and Lisa Patton, Municipal Clerk of Knowlton is the Secretary. They are trying to determine the goals of the Association. They are reviewing their bylaws.

President Hawk announced that the next Annual meeting is on Wednesday, November 14 at the Tropicana.

ADJOURNMENT

On a motion by Sharon Brienza and a second by Bette Mastropasqua and carried unanimously by voice vote, the meeting was adjourned at 12:30 p.m.

Respectfully Submitted:

Joanne M. Kwasniewski, CMC/RMC/MMC
Secretary