

MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.

PRESIDENT'S MESSAGE by Vincent Buttiglieri, 2010 President



As we leave behind the snow-filled winter we have all experienced, we anxiously look forward to a springtime filled with sunny skies and warmer weather. I know I've certainly had enough snow to last a lifetime.

I'm happy to report that our 2010 Education Conference was a tremendous success. My sincere thanks and appreciation go out to MCANJ Administrative Consultant Joel Popkin, Conference Co-Chairs Sharon Brienza and Heather Mailander, as well as Committee members Joanne Kwasniewski, Drew Pavlica, Nancy Saffos, John Mitch, Joan Moreland, Bette Mastropasqua, Diane Pflugfelder, Ceil Covino, Barbara Nyitrai, Michele Seigfried, Lea Quinty, Doreen Cali and Bernadette Standowski for their tireless work in this endeavor. A special "thank-you" goes out to the entire Fundraising Committee led by Kathy Wisniewski, Rose-Marie Saracino and Doreen Cali for the great job they did on the Silent Auction and Merchandise Sale.

As anyone who has ever put together an event of this magnitude can tell you, the success of this conference is due to the many hours of hard work put in by the Committee. With MCANJ, we are even luckier since we have the most dedicated group of retirees assisting us in the many on-site aspects of the Conference. This group, led by Al Reda, and consisting of Barbara Camp, Terry Tighe, Joe Valenti, Tina Fiorellino, Joe Favaro and Angie Pileggi, is what makes MCANJ the very best Association.

The 2010 Conference provided many firsts, including a new venue and a President's Welcome Reception. We had over 250 attendees who gained valuable, practical and educational knowledge from the variety of speakers who presented over the two and one-half days of this conference. Each presenter, convener, moderator and scanner added to the success of this conference and my hat goes off to each of you.

As I mentioned in my address at our Annual Meeting, I want to see that a Municipal Clerk is finally appointed to the Government Records Council. Well, lo and behold, A1333 has been submitted by Assemblyman Patrick Diegnan mandating that the MCANJ President, or their designee, be a member of the GRC. Additionally, Senator James Whelan has also proposed legislation (S838) that rotates a position on the State Records Committee between a County Clerk and a Municipal Clerk. The passage of both of these Bills will ensure that our profession has a voice in matters of public records.

However, not all is rosy in the area of OPRA. Currently, there is legislation proposed by Senator Loretta Weinberg (S164) that affects the current Open Public Records Act, as we know it. Rest assured that the Executive Board, and MCANJ Attorney, Richard Lustgarten, are working diligently to ensure that this legislation does not contain anything that would negatively impact our profession or the intent of the original legislation. Senator Weinberg has agreed to meet with MCANJ to discuss our concerns regarding these amendments and we fully intend to make our voices heard in this matter. Stay tuned.

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:

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Joseph E. Bennett, 1971-1973 Harry C. Kates, 1974-1982
Janet L. Lynds, 1983-1993
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MUNICIPAL CLERKS' ASSOCIATION OF NEW JERSEY, INC.
EXECUTIVE BOARD 2010

President: Vincent Buttiglieri, Ocean Township

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

E-mail: munclerk@fairlawn.org

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E-mail: garfieldclerk@optonline.net

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E-mail: NSaffos@chtownship.com

Secretary: John 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

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Atlantic:	Gail Macera, Folsom Borough
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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
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Ocean:	Bette Mastropasqua, Beachwood Borough
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2010 SCHOLARSHIP APPLICATION

The Municipal Clerks' Association of New Jersey will be offering scholarships for the 2010 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 17, 2010 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, 2010

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 2010 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.

Signature of Applicant _____ Date _____

MEMBERSHIP HAS ITS ADVANTAGES:

A message from the MCANJ Membership Committee

If you are enjoying this issue of the *Quill*, and would like to continue receiving future issues in the mail ...

MAKE SURE YOUR MCANJ 2010 DUES ARE PAID!

The 2010 Executive Board is continuing the practice of tying in the mailing list of the *Quill* with the dues list for 2010 MCANJ membership. So, if you have previously been receiving an issue of the *Quill*, and find that you are not receiving any more issues in 2010, check to make sure that your MCANJ membership dues are current and up to date.

Membership in the Legal Defense Fund also requires that your dues be paid and current.

Don't get left behind — Make Sure MCANJ 2010 Dues are Paid!

LEGAL DEFENSE FUND REMINDER

As happens every year we get closer to reorganization, I received a number of telephone calls and e-mails from Municipal Clerks. Most of them start out as, "I heard a rumor that..."; "Rumors are going around that..." "Word got back to me that..." The definition of a rumor is "talk or opinion widely disseminated with *no discernible source*" or "a statement or report current *without known authority for its truth*." Why should anyone have to go through the stress of thinking about what "may" happen because some people enjoy passing around rumors?

The best advice I can give anyone regarding rumors is to wait. Wait and see what really happens. Wait until you receive some sort of official word of what may or will happen. If any of the rumors do come to fruition, then the LDF is here to help and assist in any way we can.

Applications and renewal applications were included with your annual dues membership. If you did not receive one or misplaced it, you can download an application from the MCANJ website (www.njclerks.org). Please mail the completed application with your **PERSONAL CHECK** payable to MCANJ – LDF to:

Joel Popkin, Administrative Consultant
13 Fair Oaks Lane, Ocean, NJ 07712

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, Township of Branchburg
LDF Committee Chair

PROPOSED CONSTITUTIONAL AMENDMENTS TO IIMC

Respectfully submitted by Brenda M. Cirtin, MMC, Chair 2009-2010 Elections Committee, IIMC

As with any organization, there are times that changes need to be made to ensure its continued success and smooth operation. Change is not always a bad thing - sometimes it actually makes sense. During this past year, the Policy Review Committee has met to review a number of proposed amendments to the Constitution of the International Institute of Municipal Clerks. Once the Committee finalized their recommendations, they were then forwarded to the Elections Committee to ensure that the correct information was included for each proposed amendment. The Elections Committee reviewed all of the proposed Constitutional Amendments and determined they met the criteria for forwarding to the Board of Directors for action. The Board has discussed the proposed amendments, and the following proposed amendments are being provided to the membership for consideration at the Annual Business Meeting.

The Proposed Constitutional Amendments can be found on IIMC's web site www.iimc.com at:
<http://www.iimc.com/LatestNews/2010%20%20Proposed%20Constitutional%20Amendments.pdf>

In addition to this link on IIMC's web site, the March On-Line IIMC News Digest will publish these proposed amendments. Also, the amendments will be posted on a dedicated board near the registration desk at the annual IIMC conference. It is the opinion of the Elections Committee that all of these venues provide sufficient notice to the IIMC membership of the proposed amendments, in accordance with IIMC's Constitution and, therefore, voting will occur at the Annual Business Meeting, which will be held on Thursday, May 27, 2010, beginning at 8:00 A.M., in the Reno/Tahoe Ballroom of the Grand Sierra Hotel, Reno, Nevada. The proposed amendments will be considered at that time.

APPLICATION FOR CANDIDACY: MCANJ EXECUTIVE BOARD

Article VI Section 1.A. of the Constitution and Bylaws of the Municipal Clerks' Association of New Jersey, Inc., specifies "Anyone seeking to be a candidate must file with the Secretary not later than 120 days prior to the Annual Meeting. No additional applications shall be accepted after this date". Article VI Section 1.C. specifies the criteria for eligibility to seek office: "All candidates shall have tenure of office, shall have experience and training for that office, shall have received the degree of Registered Municipal Clerk (RMC), and shall be actively employed as a Municipal Clerk". For anyone seeking a position on the Executive Board for 2011 (with the exception of the office of President), the following application must be filed by July 20, 2010 in order to be eligible for consideration by the membership at the Annual Meeting to be held in the Royal Swan Ballroom at the Tropicana Hotel in Atlantic City on November 17, 2010. Check one:

1st Vice President 2nd Vice President Treasurer Secretary

Name _____

Address _____

Municipality Employed by _____

Position _____

*Date of Original Appointment _____

*Date of Reappointment _____

*RMC Certificate Number _____ Date Issued _____

I, _____, hereby certify that I am actively employed by
 _____ as a Municipal Clerk and am qualified to submit my
 (Municipality)

name as a candidate for the office of _____ of the MCANJ for 2011.

 (Signature)

 (Date)

* Attach certified copies of Resolutions of Appointment and RMC Certificate.
 (Current members of the Executive Board seeking successive office are exempt from re-filing these supporting documents.)

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**APPLICATIONS MUST BE RECEIVED BY
 JULY 20, 2010 AND SHOULD BE MAILED TO:**

**John M. Mitch, RMC/CMC/CMR
 Woodbridge Township
 Municipal Clerk's Office
 One Main St.
 Woodbridge, NJ 07095**

PEOPLE PAGE

by Sharon Brienza

MORRIS COUNTY



The Municipal Clerks' Association of Morris County recently celebrated its 50th anniversary at a luncheon held at The Publick House in Chester. The Association was established to promote a better understanding of the official responsibilities and obligations of municipal clerks and to promote the cause of good government at the municipal, county and state levels.

The Board of Chosen Freeholders, Morris County, presented a resolution honoring the Association and commending its members for the significant contributions they make each day toward providing the citizens of Morris County with effective and efficient government.

MIDDLESEX COUNTY

The Middlesex County Municipal Clerks' Association annual reorganization meeting and after-holidays party was held on January 8, 2010 at the Crowne Plaza in Edison. Pictured At Left Below: Barbara Nyitrai (So. Brunswick, far right, out-going President) swears in John Mitch as President, Kathy Anello as Vice President, Nennette Perry as Secretary, Bonnie Lacina as Treasurer and Reina Murphy as Member At Large. Pictured At Right Below: Vin Buttiglieri enjoying the venue.



NEWLY CERTIFIED MUNICIPAL CLERKS

In November, Heidi Brunt from Middletown Township (Monmouth County) and in December, Evelyn Rosario from the Township of Nutley (Essex County) received the prestigious Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks (IIMC).

The CMC designation program is designed to enhance the job performance of the Clerk in small and large municipalities. To earn the CMC designation, a Municipal Clerk must attend extensive education programs. The designation also requires pertinent experience in a municipality. The program prepares the participants to meet the challenges of the complex role of the municipal clerks by providing them with quality education in partnership with 47 institutions of higher learning. The program has been in existence since 1970 and has helped thousands of clerks in various municipalities.

PEOPLE PAGE, continued from Page 6

by Sharon Brienza

RETIREMENTS

Well, for the 3rd and final time, Barbara Hawk from Laurel Springs Borough has finally retired after 28 years of service to the Borough! The Governing Body had a lovely dinner at the Mansions in Voorhees for her which was attended by 140 of her friends, family and co-workers. The party was supposed to be a surprise, but she found out about it. She said that although she knew about the event, she was surprised by the number of people who were there. MCANJ Executive Board Members Vinny Buttiglieri, President, Drew Pavlica, 2nd Vice President, Nancy Saffos, Treasurer, Joan Moreland, Immediate Past President, Heather Mailander, former President and Manny Hirshblond (former Administrative Consultant) and wife Janet were there to help Barbara celebrate. There were approximately 30 clerks at the dinner expressing their happiness for Barbara and her family. She was joined by her husband Bill, sons David and Robert, their wives Bridgette and Kim, and Shaun, Marissa and Ava, 3 of her 4 grandchildren. We all wish Barbara a long and happy retirement – she's earned it! *(article and pictures submitted by Immediate Past President Joan Moreland)*



Joan Moreland presenting a plaque to Barbara on behalf of Bill Dressel, Executive Director NJSLOM.



MCANJ President Vinny Buttiglieri presenting Barbara with a gift.



Barbara cutting the retirement cake—how sweet it is!



Barbara joined by her grandchildren Shaun, Marissa and Ava.

PEOPLE PAGE, continued from Page 7

by Sharon Brienza

NEW PRESIDENT OF BERGEN COUNTY MUNICIPAL CLERKS ASSOCIATION

On Thursday, Dec. 10th, Emerson Borough Clerk Carol Dray was sworn in as president of the Bergen County Municipal Clerks' Association during a luncheon held at Seasons in the Township of Washington.



Pictured above: Carol Dray, Peter Dray, Administrator Joseph Scarpa, Deputy Clerk Jane Dietsche and Mayor Louis Lamatina

CONGRATULATIONS!

Alexander Martin Kazmark was born on Saturday, February 13, 2010. He was 5.13 lbs. and 21 in. long. He stayed in the NICU at Valley Hospital in Ridge-wood for two weeks, but is now home with his parents, Keith & Lauren Kazmark. Keith is the Municipal Clerk of the Borough of Elmwood Park.



RETIREMENTS, CONTINUED



Barbara Bascom, who held the positions of Township Administrator, Municipal Clerk and Registrar of Upper Freehold Township over the last 18 years, retired February 1st. Township officials recognized Barbara's commitment to land preservation as her legacy at the January 28, 2010 Township Committee meeting. As of Barbara's retirement date, Upper Freehold had 8,250 acres of preserved farmland or open space. Barbara also provided her expertise and knowledge as an instructor of the Local Elections Administration Course for aspiring municipal clerks, and has been an active participant in MCANJ. Happy Retirement, Barbara!

CONDOLENCES

We mourn the passing of Marge Underwood, the former Township Clerk of Cedar Grove (Essex County), from 1979 to 1987. She also served as the President of the Essex County Municipal Clerk's Association.

Charles Ormsbee, former clerk of Belmar Borough (Monmouth County), passed away on January 27th at his home in South Carolina. He retired from Belmar in 1996.

Deepest sympathy to Mary Coe, Sparta Township (Sussex County) who recently lost her mother; to Nancy Hatten, Tenafly Borough (Bergen County) on the loss of her father; and to Lynn Stanzlaus, retired Municipal Clerk of Green Township and former MCANJ President, who recently lost her husband, Harold.

PEOPLE PAGE, continued from Page 8

by Sharon Brienza

REGION II



New Jersey was the host of this year's Region II Conference, held January 13-15 in Atlantic City. The 80+ participants enjoyed the Taj Mahal (which will be the venue for the IIMC 2013 Annual Conference) and the programs offered. There were two speakers: Dr. Peter Crist (Communication in the Electronic Age) and Esther Nevarez (Harassment and Sexual Harassment in the Workplace, pictured above left). The highlight, however, had to be the Thursday night entertainment which was Jeopardy. Sharon Brienza and Allan Susen prepared the questions/answers that related to all the states in Region II. Allan Susen did a fine job playing the part of Alex Trebek and all three teams had a member from each state giving everyone a fair shot at responding. Kudos to Christina Wilder who did a phenomenal job organizing and coordinating the conference.



Allan "Alex Trebek" Susen working the crowd



"... Making sure your reply is in the form of a question..."

Vinny Buttiglieri thanking Christine Wilder



Drew's Team was the Winner!



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

SPOTLIGHT ON: HUDSON COUNTY

The smallest of New Jersey's 21 counties, Hudson County is a peninsula with 12 urban municipalities (Bayonne, East Newark, Guttenberg, Harrison, Hoboken, Jersey City, Kearny, North Bergen, Secaucus, Union City, Weehawken and West New York), totaling 46 square miles, located across the Hudson River from New York City.



Liberty State Park, located in Jersey City, is a green oasis in the middle of Metropolitan northern New Jersey. With the Manhattan skyline, the Statue of Liberty and Ellis Island as a spectacular backdrop, Liberty State Park is one of the state's most dramatic parks, offering a variety of recreational uses. Take advantage of miles of walkways by walking, jogging, or biking. Get fit with the par course that runs along Freedom Way. Bring your binoculars and look at the numerous species of birds which frequent the park.

You may also bring your family and picnic at one of the playgrounds. There is always a nice breeze for flying a kite, or you may enjoy the waters by fishing or crabbing, boating or kayaking. Hop on a ferry and visit the Statue of Liberty and Ellis Island, or stop by and participate in one of our Natural or Historical Interpretive programs. The historic Central Railroad of New Jersey Terminal, a grand setting for much of New Jersey's transportation history in the northeast, sits prominently at the north end of the park. An outdoor performance area and other improvements mark the northern section of the park, while the western portion is dominated by the state-of-the-art Liberty Science Center. Liberty State Park also is the only location in New Jersey with Ferry service to Ellis Island and the Statue of Liberty.

Meadowlands Sports and Exposition Complex is located in East Rutherford within Hudson County, and includes the IZOD Center, as well as Meadowlands Racetrack. Countless legendary moments in sports and entertainment history have taken place in the IZOD Center. The Devils have won three Stanley Cups and the Nets advanced to the NBA Finals in 2002 and 2003. The IZOD Center has also hosted the NBA All-Star Game, the NHL All-Star Game, and the NCAA Men's Final Four. The IZOD Center boasts a state of the art acoustical structure designed to provide audiences with excellent sound and an optimum view no matter where they're seated. The IZOD Center opened in July 1981 with six sold-out shows by Bruce Springsteen and the E Street Band. Other artists that have performed at the Arena include Billy Joel, Elton John, Madonna, U2, Celine Dion, Eric Clapton, Bon Jovi, Britney Spears and Eminem -- making IZOD Center one of the top concert venues in the country.

The Night Life in Hudson County is one of the best tourist attractions in the State of New Jersey. Whether you are looking for Dance Clubs, Irish Pubs, Live Music, Restaurants or Sports Bars, a memorable time is waiting for you at scores of business venues. Check out <http://www.getouthudson.com/Nightlife.html> to find your choices.

Cape Liberty Cruise Port is located on The Peninsula at Bayonne Harbor, formerly the Bayonne Navy Base/MOTBY facility. Fifteen minutes from Newark Liberty International Airport and seven miles south of Manhattan, Cape Liberty is easily accessible via the New Jersey Turnpike (Exit 14A) and mass transportation (NJ Hudson-Bergen Light Rail).

Cape Liberty has unparalleled views of the Statue of Liberty, New York Harbor and the Manhattan skyline, and offers ample parking, a convenient location and easy access to start and end your trip. In 2010, the Port is again offering year-round cruises to the Eastern and Southern Caribbean.

All information is taken from:
<http://www.hudsoncountynj.org/>,
<http://getouthudson.com/>, and
<http://www.cruiseliberty.com/>

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of Vermont
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info@brmco.us

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MUNICIPAL CLERK OF THE YEAR

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

MUNICIPAL CLERK OF THE YEAR NOMINATION FORM

(please type)

All nominees must be members of the Municipal Clerks' Association of NJ, Inc., currently employed as Municipal Clerks and tenured in their positions. Current members of the Executive Board and former recipients of the award are not eligible. Qualifications must include activities within the MCANJ and may include related community and volunteer work. The selection of the annual "Municipal Clerk of the Year" is made by the Executive Board and announced at the Association's Annual Meeting during the League of Municipalities Conference in November in Atlantic City.

Nominee: _____

Appointment Date _____

Municipality _____

Address _____

County _____

Qualifications of Nominee:

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

Nomination made by _____

(Name of County Organization or Individual)

Address _____

Contact Person _____

Address _____ Phone No. _____

Deadline for submission: July 1, 2010

Submit to: John M. Mitch, RMC/CMC/CMR
Woodbridge Township
Municipal Clerk's Office
One Main St.
Woodbridge, NJ 07095

THE GRASS ISN'T ALWAYS GREENER...AND ALAS OPRA AND OPMA

by Richard Lustgarten, MCANJ Legal Counsel



Although you are reading this article in April, it is being written in late February when I just returned from a trip to southern Indiana where I visited family. The area is on the north side of the Ohio River, fifteen minutes to downtown Louisville. Having left twelve inches of snow in New Jersey, and expecting temperatures around 47 degrees since the Louisville area is approximately on the same latitude as Cape May County, I confronted 27 degrees and six inches of snow. While we stalwart New Jerseyites are made of sterner stuff, the Jefferson County School System (Metro Louisville) was shut down for almost four days. At the same time there was a corruption scandal with the Louisville Police involving the alleged activities of a police detective who had victims pick photographs of alleged perpetrators, when these alleged felons were either in jail at the time of the incident or were proven to be hundreds of miles away. Sometimes the grass not only is not greener, but you can't even see it.

Anyway, on to our favorite topic. Two bills have been introduced in the New Jersey Legislature, one relating to public meetings and the other to records access.

In the OPMA proposal, the definition of public body is expanded to include independent authorities, redevelopment entities or improvement authorities. Other public bodies that were previously included or excluded have not changed.

The definition of meeting would be expanded to include not only the traditional gathering of the members of a public body, but also would include the use of a gathering by electronic mail, instant messaging or similar technologies. This is not really a dramatic change because the current statute included meetings by "communication equipment" which probably meant telephones since the original statute was enacted in 1975.

Adequate notice for a meeting would require three days rather than the existing 48 hours and would need to be posted on the public body's internet website, if it has one. With respect to the agenda for the meeting, adequate notice would include the specific items to be discussed and would need to identify the names of the parties and the approximate dollar amounts of any contracts to be discussed or acted upon.

There would be a prohibition that provides that no member of a public body during a meeting shall communicate privately by any means with any other member of the public body, staff or public individual whose interests would be affected by the discussion. The public would be entitled to speak for at least three minutes, and the public body may require a sign-in sheet prior to the start of the comment period. I believe that most municipalities are already doing this.

There is some redefinition of when the public body can go into closed session, and the exceptions to "staying open" would be strictly construed. If adopted, this bill has a section relating to Minutes which would expand the minimum requirements to identify the public members as to their votes and any stated reason for the vote. The meeting would need to be recorded and the recordings and draft Minutes would need to be made available to the public within two (2) weeks of the meeting or at least three (3) days prior to the next regularly scheduled meeting, whichever is sooner.

A party alleging violations of the Act would be awarded reasonable attorney's fees, if successful. Knowing violations of the Act would have increased fines. For a first offense, it increases from \$100.00 up to \$1,000.00 and for a subsequent offense from a minimum of \$100.00 to \$500.00 to a minimum of \$1,000.00 to \$5,000.00.

Continued on Page 13

A vertical advertisement banner. On the left, the word "Webinars" is written vertically in a large, white, serif font. To its right, in smaller white text, it says "Visit us online or call to sign up for our FREE". On the right side of the banner, the text "Document Management Solutions" is written in a bold, sans-serif font. Below this, it says "powered by Laserfiche®". At the bottom right, the words "GENERAL CODE" are written in a bold, sans-serif font. At the very bottom, the phone number "800-836-8834" and the website "www.generalcode.com" are listed. The background of the banner features a stylized image of a document and a magnifying glass.

THE GRASS ISN'T ALWAYS GREENER...AND ALAS OPRA AND OPMA

by Richard Lustgarten, MCANJ Legal Counsel

Continued from page 12

The proposed changes for OPRA are too numerous to address in this article at this time. However, the MCANJ President, its executive board and others have raised great concerns with the sponsor of the bill, and as of the writing of this article, it is anticipated that a direct meeting with the sponsor will occur to set forth MCANJ's concerns. That meeting may have occurred by this writing and, if so, the results of the meeting will be discussed at a later date.

Some of the proposed statutory changes merely reflect what various Court cases have held over the last several years. Consequently, some of these proposed changes are already implemented in many clerk's offices. I do want to highlight one section that appears to be highly controversial.

Under existing law, immediate access shall be granted to budgets, bills, vouchers, contracts and public employees' salary and overtime information. Under the bill, immediate access shall mean within three (3) hours of any request made before 2:00 p.m. and it shall mean by 10:00 a.m. of the next business day for any request made after 2:00 p.m. These kinds of documents are much more readily available and are finite in scope. Nevertheless, this will be one area that will be fully discussed with the sponsor as to its reasonableness.

Under this bill, the Government Records Council would be expanded from five (5) to seven (7) members. It is anticipated that the sponsor will be requested to amend the bill to include a municipal clerk as one of the members of the GRC.

Finally, the disciplinary standard for a violation is to be changed from "knowingly and willfully" to "arbitrarily" violating the statute. "Arbitrarily" in the law usually means that there was no reasonable basis for the decision made, based upon the facts as known, and the principle involved at the time the decision was made.

Generally, the "knowingly and willfully" standard means that someone acts consciously and intentionally. Stated another way, you know that something is inappropriate but you do it anyway with full knowledge of what you are doing. Consequently, I believe that the "arbitrary" standard actually aids a defense of an alleged violation of the statute because it is my opinion that an action is not arbitrary if it is based in reason and fact, even if it proves ultimately to be erroneous. It is my opinion that a good faith component is built into this new standard.

Happy Spring to all and I hope you tread where the grass is truly green.

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SPOTLIGHT ON: PASSAIC COUNTY



The name "Passaic" is of Native American origin and means "valley". The Dutch settlers spelled it as "Passaick". Passaic County was formed in 1837 from parts of northern Essex and western Bergen Counties. According to the 2000 U.S. Census the total population of the county is 489,049. The county seat is also its largest city, Paterson. The Passaic County Board of Chosen Freeholders is the governing body. This Board is comprised of seven (7) members who are all elected at-large. The County Administrator, who is appointed by the Freeholders, oversees the day-to-day operations of the county. There are sixteen (16) towns in Passaic County: Bloomingdale, Clifton, Haledon, Hawthorne, Little Falls, North Haledon, Passaic, Paterson, Pompton Lakes, Prospect Park, Ringwood, Totowa, Wanaque, Wayne, West Milford, and West Paterson.

Situated in the upper northeastern portion of New Jersey, Passaic County is a wonderfully diverse area which ranges from city and suburban areas that offer a wide range of historical, entertainment, dining, and shopping venues to the rural tranquility and beautiful vistas of the northernmost portion of the County.

With its numerous historic places, monuments, and museums, Passaic County embraces the heritage of the nation. For example, it was near the Great Falls of the Passaic River that plans were developed for an industrial metropolis at the end of the eighteenth century. It is for this reason that Paterson can be aptly called the "Cradle of American Industry". The industries that emerged produced textile machinery, steam locomotives, silk weaving and dyeing, revolvers, aircraft engines, and various other products. On June 6, 1976, President Gerald R. Ford visited Paterson and officially designated the 119-acre Great Falls historic district as a national historic landmark. The City of Paterson's Great Falls Visitor Center, conveniently located across from the Great Falls at 65 McBride Avenue Extension, offers educational services that include historic interpretation and guided walks featuring an overview of the District, its significant industrial architecture, history, and current projects.

LONG POND IRONWORKS: Long Pond ironworks was founded in 1766 as part of a vast industrial empire sponsored by British investors. Headquartered at nearby Ringwood Manor, a full iron working complex and workers' village was developed along the Wynokie River, which is modern day Greenwood Lake. In operation by 1767, the ironworks included roads, dams, houses, barns, mills, an iron smelting furnace and a four-fire forge. Dedicated as a State Park in 1987, the 175 acre wooded site is listed on both the state and national registers of historic places as well as having National Historic Landmark District status. A roadside Visitors Center and museum is open on weekends at 1334 Greenwood Lake Turnpike, West Milford Township, in New Jersey's Highland Region. Walking trails pass by 12 buildings still standing and the ruins of foundations among beautiful highlands scenery. Interpretive tours are offered on the 2nd Saturday of the month and living history weekends occur throughout the year.

In the late 19th century New Jersey utilized man-made water highways called canals to transport people and goods throughout the state. The Morris Canal, as it ran through northern New Jersey, connected the Delaware River on New Jersey's western border with the Hudson River on its eastern border. The Morris Canal ran through the Passaic County towns of Clifton, Little Falls, Paterson and the Mountain View section of Wayne. With a renewed interest in historic preservation in our state, many municipalities are utilizing their rich history and resources to provide recreational and public spaces for the community. A prime example of this is the resurrection of the Morris Canal in both Clifton and Little Falls, into unique public green spaces that provide recreational opportunities to the community while making history come alive for all.

Passaic County has thousands of acres of parkland located throughout our county which offers visitors a wide range of athletic and recreational venues to enjoy. The list of parks includes Garret Mountain Reservation, a 568-acre recreational area, situated more than 500 feet above sea level provides sweeping views of northern New Jersey and the New York City skyline. This beautiful park, operated by the Passaic County Parks Department, offers park visitors a wide range of recreational activities and facilities. These facilities include an equestrian center, athletic fields, fishing, picnic grounds, jogging paths, and trails for cross country skiing, hiking and running. At the Garret Mountain Equestrian Center, residents can take horseback riding lessons or ride on the park's bridle paths. A Therapeutic Riding program is also available.

Passaic County's 512-acre Apshawa Preserve, located in the Highlands region of New Jersey, includes a 43-acre reservoir and miles of hiking trails, and is located adjacent to a 68-acre tract owned by the New Jersey Conservation Foundation (NJCF). The Apshawa Preserve is open from dawn to dusk for recreation such as bird watching, hiking and picnicking.

Opportunities abound for the public in Passaic County, an exciting place to visit and to live!

All information has been taken from the official website of Passaic County: <http://www.passaiccountynj.org/>.

MCANJ Presents

Spring Mini Conference for Central New Jersey

When: Thursday, April 22nd, 2010

Time: Registration and continental breakfast at 8:30 a.m.
Conference begins at 9:00 a.m. and ends with a light lunch.

Where: Hotel Sierra
3141 US Highway 22 East, Branchburg, NJ 08876.3528

Cost: \$12/Members (includes breakfast/lunch)
\$20 /Non-Members
Make Checks Payable to Hunterdon County Municipal Clerk's Association

CEUs: 1.5 Ethics, 1.5 Licensing, and 1 Professional Development for RMC

PLEASE PRINT

Name: _____ **Title:** _____

Municipality: _____ **Phone:** _____

Address: _____

City, State & Zip: _____

Email Address: _____ **Voucher/PO#:** _____

Deadline to register is Friday, 16 April 2010.

Mail Registration and Payment to:

**Rosary Sollena, RMC
Raritan Township
One Municipal Drive
Flemington, New Jersey 08822.3446**

CLAIMANT'S CERTIFICATION AND DECLARATION
I do solemnly declare and certify under penalty of law that the within bill is correct in all its particulars, that no bonus has been given or received by any person or persons with the knowledge of this claimant in connection with the above claim and that the amount charged is a reasonable one. This form has been approved by the Local Finance Board as an approved voucher form. Attached to your voucher as signature of claimant

Rose Sollena, Municipal Clerk
HCMCA Treasurer

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DEADLINES FOR NEWS ITEMS: The deadline for the July issue is June 4, 2010. 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 by the deadline specified.

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