



**MESSAGE
FROM PRESIDENT
DENISE SZABO**



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ANNUAL
CONFERENCE**



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**THE CHALLENGING ROLE OF MUNICIPAL CLERKS
IN NEW JERSEY ELECTIONS**

*Written by
Jerry L. Midgette, President
New Jersey Association of Election Officials, Inc.*



The role of the Municipal Clerks in New Jersey elections is becoming increasingly more challenging and political. This is most evident in their responsibility to submit recommendations of poll locations to their respective County Board of Elections each year for approval. Although the ultimate decision as to where to locate a polling place is solely within the Boards of Elections purview, the recommendations provided by the Municipal Clerks are greatly relied upon and most often approved. The decision of where to locate a particular polling site is critical to providing the voting community the requisite ease of access to voting locations the voters expect and are owed. There are two important factors that must be considered by municipal clerks when identifying the most suitable poll location for voters.

The first factor is “location, location, location”. Identifying the most suitable, desirable and available location within a particular election district’s boundaries has always been somewhat difficult. However, the Municipal Clerk’s task of identifying and recommending the most suitable location for conducting an election is becoming increasingly more challenging. This is due in large part because many school districts, citing student safety and security concerns, have become more restrictive in making their public school buildings available. In far too many cases, school districts are either denying access to their public school buildings or aggressively taking steps to remove polling places from them.

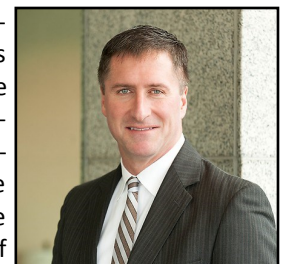
In light of the fact that public school buildings in most communities are the most suitable for elections, there is little doubt as to why this particular task has become more challenging as well as political. Political in the sense that many local elected officials now share the same sentiments of their local school district administrators in not wanting their public school buildings utilized as polling places. Parents have also joined this chorus of strong opposition.

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**NJ MUNICIPALITIES: DON'T SLEEP ON YOUR RIGHTS!
A LOOK AT THE RISE OF SHORT-TERM OVERNIGHT
RENTALS AND THE IMPACT ON MUNICIPALITIES**

Written by Michael W. Herbert, Esq. MCANJ Attorney, of the firm Parker McCay P.A.

Like most new innovations, short-term overnight housing rentals promoted by companies such as Airbnb and HomeAway have gained popularity quicker than laws and regulations can keep pace. For those unfamiliar with the concept of “home sharing,” these companies facilitate overnight rentals and online bookings between property owner hosts and visiting guests, essentially transforming couch-surfing into a billion dollar industry. A host may or may not be onsite during the guest’s stay, and guests can rent anything from an entire home to a shared single room, to a detached in-law suite, and, yes – even castles. Hosts enjoy the benefit of the extra, mostly passive, income generated using an asset they already own.



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EDITORIAL STAFF FY2017:

EDITOR: Joseph Kostecki, South Toms River Borough (732) 349-0403 E-mail: joseph.kostecki@boroughofsouthtomsriver.com
PEOPLE PAGE: Pam Borek, Hillsborough Twp. (908) 369-4313 E-mail: pborek@hillsborough-nj.org
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MESSAGE FROM PRESIDENT DENISE SZABO



I hope by now your bags are packed and you're ready to head out to the MCANJ Annual Education Conference at The Palace at Somerset Park in Somerset, New Jersey, on April 25, 26 & 27. Registration closed on April 5th; **there is no onsite registration.**

This will be a packed conference with quality education sessions and fun after hour events. On April 25, 2017, there will be a President's & Exhibitors' Reception from 5-7 PM with live entertainment provided by vocalist Rachael Luscombe accompanied by pianist Dr. Allison Franzetti. Directly after the reception, MCANJ will host an evening with free Bingo and a Tricky Tray for Designer Bags/Accessories.

Our keynote speaker, Carol Ridolphi, AICI, CIC, of CER Image Consulting LLC, will talk about "Presenting Yourself as a Municipal Clerk." A special event is planned in connection with Carol's presentation on April 25, 2017. MCANJ will surprise two clerks (one male and one female) with a free, complete style upgrade and makeover. The winners will receive a complimentary private consultation with Carol who will assist them in selecting new business attire including shoes and accessories. She will also have a hair stylist and make-up professional assist with the makeover. This makeover is courtesy of MCANJ—a prize worth \$1000 or more for each winner. The reveal of the newly styled clerks will be held during the Annual Dinner on Wednesday evening, April 26th. If you received a notification that you were a nominee for this award, the deadline to complete your consent is April 7, 2017.

At the Annual Dinner, new officers will be sworn into office, followed by entertainment by the Hoi Poli Band. We'll also be having our traditional 50/50 Raffle and Silent Auction.

There will be 25 Exhibitors at the conference demonstrating and speaking to you about their innovative products and services. As we have done in the past, we are asking each exhibitor to provide a door prize to be awarded to an attendee who submits their bingo-type card fully marked by each Exhibitor. So be sure you visit and support our exhibitors and get your card marked to be eligible for the door prize. The Exhibitors registration fees help offset the cost of the conference to our membership.

I'm happy to announce that we received 23 applications for the 5 newly authorized need-based conference scholarship. Cynthia Brown and the Scholarship Committee carefully reviewed the application and selected the winners based on the criteria noted on the application.

The full Education Program for the conference can be found on page 8, on www.njclerks.org or [Click Here](#). I look forward to seeing you at the conference.

The International Institute of Municipal Clerks (IIMC) Annual Conference will be held from May 21 to May 24, in Montreal, Quebec, Canada. With our own Vinny Buttiglieri serving as IIMC president, the conference is sure to be a good one. Congratulations Vinny. New Jersey is proud of you.

In the last edition, I reported that MCANJ Attorney Steve Goodell, an avid bicyclist, had a serious biking accident. Steve continues to make progress and MCANJ wishes him well as he continues his recovery. During this period, Steve's colleague, Michael Herbert, Esq., continues to represent MCANJ.

With regard to the recent RMC Exam held in October 2016, the passing rate was 59%; the passing rate for April 2016 was 48%. I believe the increase in passing rate is due to the outstanding efforts of Shannon Hudak of the DLGS, Laura Flagg of Rutgers, and our instructors. They are working hard to be sure the test questions are clear, and that students are well versed in course material. As of March 3, there are 212 students enrolled in the Municipal Clerks Program for 2017.

Regarding the Records Management section of the Desk Reference, the new course material is being reviewed by Rutgers and our instructors. They are updating the online course material to include the new content and activities. Our hope is to implement the updated material in class by Fall 2017.

Continued on next page

President's Message (contd.)

As of the date of this article drafting, some legislation of interest to watch:

1. S-1046 (OPRA) and S-1045 (OPMA) – On 12/16/16, Immediate Past President Kazmark, 1st Vice President Dina Zawadski, MCANJ Attorney Michael Herbert and NJLM Analyst Lori Buckelew meet at Senator Weinberg's office along with representatives from NJ Press Association to discuss proposed changes to OPRA and OPMA. It was a productive meeting finding coming ground with on several issues. However, there are still concerns regarding the proposed legislation. We thank the Senator for setting up these meetings and will continue to keep an open dialog on these matters.
2. A-4532 (OPRA) to eliminate personal information from being distributed through an OPRA request. The bill was brought forth by Assemblyman DeAngelo as a result of Robbinsville. MCANJ sent a letter of support to the sponsor. The League was joined by the NJ Association of Counties and NJ School Board Association also supporting of the legislation.
3. A-4429 (Prietro/Bramnick) and S-2855 (Whelan/Doherty) "Electronic Publication of Legal Notices Act"; permits publication of legal notices by government agencies and persons on official government notice websites instead of newspapers. These bills were pulled from the agenda in late December. At the time both the Governor and Speaker indicated that the initiative remains a priority that may be revisited in 2017.

MCANJ MEMBER SPOTLIGHT AWARD



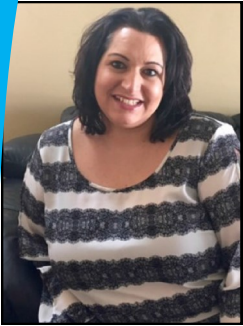
Amanda Lobban - Sandyston, is the most recent recipient of the MCANJ Spotlight Award. Amy Lobban is a dedicated Municipal Clerk and very active in her community. She is a member of the Fire Department and Historical Society. She fundraises and organizes food drives year round and is well known for her photography which she uses to document the people and events of her town. She out did herself this year through her efforts organizing the "Sandyston Has a Heart" program. This is a program she initiated to anonymously help families in need during the holidays. This year the program collected \$10,595 in cash and gift card donations in two months. Because of her selflessness, twenty families were able to purchase food for their table and toys for their children from her efforts. Congratulations Amanda!

Do you know a MCANJ member municipal, county or freeholder clerk, or deputy who promotes civic involvement by getting involved in activities and events outside of their normal responsibilities as a clerk? In a program named "MCANJ Member Spotlight," we will look to recognize members who are active in either their work or home community. Members to be considered for this recognition can be nominated by other MCANJ members or non-members who wish to bring to our attention what individuals do outside of their job that promotes you being a clerk. [CLICK HERE FOR A NOMINATION FORM](#), or go to www.njclerks.org. Awards will be made quarterly. Do something nice for a deserving clerk and nominate them for this award.

TAP THE TALENT

"Connect, contribute and collaborate with MCANJ, 1st Vice President Dina L. Zawadski.. Gain valuable ways to expand your professional network and increase your knowledge by serving on a MCANJ committee for 2017/2018. All you need to do is fill out a Tap the Talent form by going to <https://goo.gl/forms/4q5ntbhODWLM80jt1>. Share your talents and collaborate with other Clerks while contributing to the overall good of the association. For a complete list of opportunities and descriptions of responsibilities, refer to the January 2017 issue of the Quill Newsletter. As always, if you have any questions, please feel free to call me at 856-686 - 2203. I thank you in advance for your consideration in volunteering and I look forward to working with you next year."

MEET YOUR CANDIDATE FOR MCANJ SECRETARY
Kim Marie White – Eastampton Township



I was born in the Borough of Red Bank, raised in Belleville Township and later moved to East Windsor Township to complete my last two years of high school. I began my professional career working in East Windsor Township. Although I did not begin my work in the Municipal Clerk's Office, I was transferred to that department due to several changes within the local collective bargaining unit. I was immediately intrigued by the varied responsibilities of the Municipal Clerk's Office. Soon I began my Municipal Clerk's classes and found a place to call home in municipal government. I received my RMC in 2006. In June, 2008 I embarked on a new challenge and accepted the position of Municipal Clerk in Eastampton Township in Burlington County. Eastampton Township is a perfect fit for me both professionally and personally, as it is located closer to my home and my children's schools. Once I began my new position in Eastampton Township, I quickly became very active in the Burlington County Municipal Clerks Association. I assumed the office of President in 2011 and continue to serve the Association in that role. In 2010, I received my CMC through IIMC and I am currently working toward my MMC.

I have a great passion for being a Municipal Clerk. To me, it is not just a job, but my career. I love everything about being a Clerk, well almost everything! The diverse challenges it brings are extremely rewarding. I pride myself on being a people person and truly love helping the public and providing great customer service.

I serve on various MCANJ Committees, including the Education & Professional Development and the Education Conference Committees. I have served as the Chairperson of the Laws Affecting Municipal Clerks Committee for the past 4 years.

I am also an appointed member of Rutgers University's Municipal Clerks' Educational Advisory Board. I have been serving as an Instructor for Rutgers University for the past 4 years, teaching Introduction to the Duties of the Municipal Clerk and Advanced Duties of the Municipal Clerk. I have presided over and presented at several MCANJ Mini Conferences, as well as at the New Jersey State League of Municipalities' Annual Conference. In 2015, I received the MCANJ Municipal Clerk's Spotlight Award.

As a member of MCANJ, I have enjoyed the benefits of the many educational opportunities offered to me and have forged relationships with professionals in our association that I am certain will last for many years to come. I am thankful for having had the opportunity to be part of such a dedicated group of professionals. To me, service is the best way to show gratitude. I have been a professional providing my services in my hometown for many years, and would like to have the opportunity to give back to our Association.

Fondly,
Kim-Marie White, RMC/CMC/CMR

A DAY IN THE LIFE OF A MUNICIPAL CLERK
New Technology

Written by: Michele Lynn Seigfried



Do you remember the days of communal "copy rooms," when one copier was shared by everyone in the building? I realize some of you may be too young to remember that. When I started working in Robbinsville, they had one of these copy rooms. Imagine how annoying it was when someone needed a copy--I had to tell them to wait while I walked out of my office, past the resident, and down the hall to make a copy.

Luckily, I convinced the Council to purchase a copier for our office. I prided myself on bringing the office into the twenty-first century. I added the code book to the website and computerized the office. No more hand-ledgers with Excel! No more hand-searching for anything with new databases for performance guarantees, deeds, volunteer applications, resolutions, landlord registrations, and ordinances with Microsoft Access! I also added credit card processing to our office.

Fast forward to today. I went from being a technology guru of the 90s to a real techno-idiot of the 2010s!

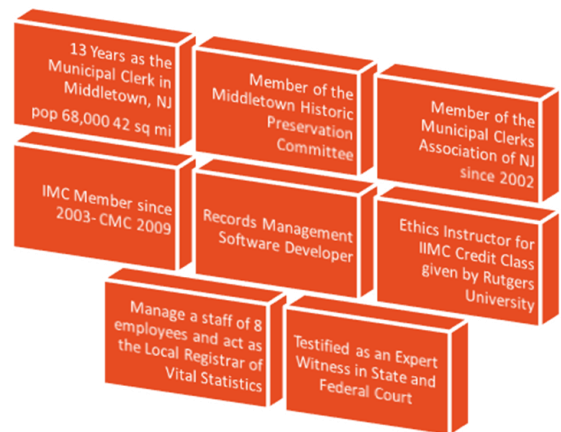
CANDIDATE FOR IIMC REGION II DIRECTOR
Heidi Brunt, CMR, RMC/CMC
Township Clerk Middletown, NJ



Heidi Brunt has been a Municipal Clerk for 13 years in Middletown, Monmouth County, in central New Jersey settled in 1664 encompassing 42 square miles of coastal bay-shore neighborhoods and riverfront properties with 68,000 residents. She currently serves as a member of the Middletown Historic Preservation Committee, Municipal Alliance Against Drug and Alcohol Abuse, and was an active participant in the Middletown 350 Anniversary Celebration Committee. As a member of the IIMC since 2004, Heidi received her CMC designation in 2009 and has attended many local IIMC Institutes given by Rutgers the State University in addition to maintaining her RMC and CMR.

With education and knowledge as a high priority in her professional life, Heidi is committed to attending IIMC Institutes, Region Conferences, and the Annual Conference every year. Taking every opportunity the IIMC has to offer such as in 2014 when she participated in the IIMC International Exchange Program with Claudia Ramos, MMC of The Netherlands. Heidi has become an avid supporter of professionalism and education for the position. Municipal Clerks are the bridge between the community and their local government. Heidi's continued commitment to demonstrating professionalism and integrity is top priority serving in her position as Municipal Clerk, her family life, and will continue when serving as the IIMC Region II Director for all of you. The IIMC will be emailing the ballot on or about April 3, 2017 and voting will continue for a few weeks after.

Please visit www.heidibrunt.com for more information!



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*Percentage is based upon a comparison of the average NJM premium with the average statewide premiums as reported by the New Jersey Department of Banking and Insurance.

Coverages and discounts are subject to policy terms; limits, exclusions and deductibles apply. Applicants must meet membership eligibility requirements, which can be found at www.njm.com. Coverage provided and underwritten by NJM Insurance Company and its affiliates; 301 Sullivan Way, West Trenton, NJ 08628.

RECOGNITION OF NEW RMCs, CMCs AND MMCs

The following individuals will be recognized at the Annual Education Conference for attaining their certifications over the last year. Congratulations to all!

REGISTERED MUNICIPAL CLERKS

Issa Abbasi
Donnelly Amico
Dorothy-Jo Ayres
Jacqueline J. Barnhill
Kelly Barrett
Deborah Brooks
Cassie Capparelli
Maria S. Carrington
Michele Clark
Victoria Coppola
Kelli Danieli
Le Ann DeHart
Barbara Dispoto
Christina K. Fischer
Courtney Fitzpatrick
Laurie Gavin
Sonia Gordon
Joan Herve

Karen luele
Sophia Hee Jang
Cindy Kirkpatrick
Maureen Lawshe
Juliet Lee
Khaled Madin
Francesca Maragliano
Kathleen Marchetti
Suzette McKeithan
Shelby Mollenkopf
Keri-Lyn Pagnoni
Ashley Passafiume
Marie Quinons
Nicolette Riggi
Lois Sahina
Roxanne Sayers
Heather Sparks
Coleen Treusch

CERTIFIED MUNICIPAL CLERKS

Paula Geletei, City of Atlantic City
Joseph Kostecki, Borough of South Toms River
Sherry A. Mason, Borough of Beach Haven
Debra L. Sopronyi, Hightstown Borough

MASTER MUNICIPAL CLERKS

Eileen A. Gore, Township of Hamilton
Kevin Galland, Borough of Woodland Park



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CONFERENCE EDUCATION PROGRAM

MONDAY, APRIL 24, 2017



6:30 pm - 8:00 pm Conference Sign In and Pick Up Conference Materials
The Palace at Somerset Park

All Sessions will be held in the West Ballroom
All Meals will be held in the East Ballroom

TUESDAY APRIL 25, 2017

8:00 am. Conference Sign In and Pick Up Conference Materials - The Palace at Somerset Park

8:00 am - 10:00 am Breakfast with Exhibitors

9:00 am - 10:40 am And the Winner is....?????

Brett Radi, Somerset County Clerk

Abigail Cipriano, Everyone Counts

Keith Kazmark, RMC/MMC, Municipal Clerk, Borough of Elmwood Park

This two part panel presentation will review the current topics regarding elections in New Jersey and serve as a follow up to the 2016 Presidential Election. Topics will include changes to SVRS, polling place accessibility, chain of custody and delivery of supplies. The second part will be a humorous, but relevant take on the state of elections in the country and in New Jersey. The session will focus on the challenges many Municipal Clerks faced leading up to and during the November 2016 election. Topics such as poll workers, petition signatures, dealing with candidates and conflict resolution on Election Day will all be discussed.

10:40 am - 11:00 am Break - Visit with Exhibitors

11:00 am - 12:00 pm ETHICS: Municipal Clerk's Primer

Leslie Parikh, Esq., Gebhardt & Kiefer, PC

Ms. Parikh will be speaking on a variety of current issues and concerns that public employees and officials face when trying to comply with and untangle the various components of the Local Government Ethics Law. While the Courts have provided some guidance since the Local Government Ethics Law went into effect, the slightest twist in the facts of any given situation often changes the result. In an effort to address the foregoing, Ms. Parikh will be providing a general overview of the various conflicts that may arise as well as a more targeted discussion regarding the unique problems often confronted by many Municipal Clerks.

12:00 pm -1:00 pm	Lunch - Visit with Exhibitors
1:00 pm—1:20 pm	Welcome Denise Szabo, MCANJ President & Phil Kramer, Mayor Township of Franklin
1:20 pm - 3:00 pm	Presenting Yourself as a Municipal Clerk Carol Ridolphi, AICI, CIC, CER Image Consulting, LLC <i>“Everything Counts” - it’s all about the professionalism of our office and everything we do reflects on that - whether it’s filling an OPRA request or running an election. An improved image will help you achieve personal and professional goals because your confidence, self-esteem and self assurance will increase just by the way people respond to your appearance. Ms. Ridolphi will present numerous image topics that will help you improve your professional image.</i>
3:00 pm - 3:20 pm	Break - Visit with Exhibitors
3:20 pm - 5:00 pm	Exhibitors’ Product & Service Demonstration <u>Accuscan</u> - NJ municipal clerks are the legal custodians of records and are required to follow NJ DORES requirements in regard to record retention and disposition. Complicating their duties is responding to the avalanche of OPRA requests submitted by citizens of their municipality. Accuscan will review the seismic changes that have occurred in the last 18 months from NJ DORES and the State Record Committee and how they affect the Municipal Clerk’s role and record manager. <u>Municode</u> - How transparent are your records? A discussion on the tools available to access your Codes and Documents. One search takes care of all. Can your Website Public facing information be searched at the same time your Code and other Documents are searched? <u>AXA Equitable</u> - Pillars of a sound 457(b) deferred compensation plan; strategies to maximize your tax savings now and strategies to maximize your retirement income later.
5:00 pm - 7:00 pm	President & Exhibitor’s Reception - Light Fare & Cash Bar <i>Exhibitors’ Prize Drawings Winners must be present</i>
7:00 pm	An Evening with Complimentary Bingo and Tricky Tray - Designer Bags/ Accessories

WEDNESDAY, APRIL 26, 2017

8:00 am	Conference Sign In and Pick Up Conference Materials The Palace at Somerset Park
8:00 am - 8:45 am	Breakfast
8:30 am - 8:45 am	Silent Auction and Merchandise Sale Opens
8:45 am - 9:00 am	Opening Remarks
9:00 am - 10:40 am	ABC & LGCCC: Basic Letters but Important Acronyms Lisa Barata, Deputy Attorney General, NJ Division of Alcoholic Beverage Control Christine Donahue, Legalized Games of Chance Control Commission <i>Ms. Donohue will review the regulations relating to various areas that the Municipal Clerks always have questions on including prohibited prizes, senior raffles and bingos, sample tickets, Form 13, reports of operations and year end reports. She will also provide guidance on the newest craze - pocketbook bingo.</i>

We know the basics but what about those unusual situations that seem to occur. Ms. Barata will review POSSE ABC and those items that ABC has identified as continuing issues for the Municipal Clerks, the licensees and ABC. She will also provide information on the latest ABC trends and what Municipal Clerks can expect from ABC in the future.

10:40 am - 11:00 am

Break - Visit Silent Auction and Merchandise Sale

11:00 am - 12:30 pm

Annual Meeting

Municipal Audits - Exactly What Do all of Those Number Actually Mean?

Sercan Zoklu, RMC, Municipal Clerk, Borough of Cliffside Park

Mr. Zoklu will be discussing the Local Fiscal Affairs Law as it pertains to Municipal Clerks, specifically the Annual Audit. He will review the requirements, report of the audit and the duties of the Municipal Clerk as well as the Corrective Action Plan as it pertains to the Municipal Clerk's role. He will point out the specific dates that the Municipal Clerk has to make sure they follow.

12:30 pm - 1:30 pm

Lunch - Visit Silent Auction and Merchandise Sale

1:30 pm - 2:45 pm

Good Management for EDiscovery

Michael Herbert, Esq., MCANJ Attorney

Christopher Kyriacou, Director of Information Technology, Bernards Township

Rhonda Pisano, Deputy Municipal Clerk, Bernards Township

Denise Szabo, RMC/MMC, Municipal Clerk, Bernards Township, President MCANJ

EDiscovery is short for electronic discovery which is defined as the process of discovery in civil litigation that is carried out in electronic formats. In this session you will learn what to expect, how to respond, and what steps you can take now to be better prepared when you are served with an eDiscovery demand.

2:45 pm - 3:05 pm

Break - Visit Silent Auction and Merchandise Sale

3:05 pm

Silent Auction Closes

3:05 pm - 4:45 pm

OPRA from ALL Perspectives

Walter M. Luers, Esq., Vice President NJ Foundation for Open Government

Frank F. Caruso, Comm. Specialist/Resource Mgr. , Government Records Council

Kristina P. Hadinger, Esq., Deputy General Counsel, NJ League of Municipalities

Sharon Young, RMC/MMC, Municipal Clerk, Township of West Windsor

This panel will look at OPRA from several different perspectives including that of an activist, the Government Records Council (GRC) and the Municipal Clerk who has to face the reality of OPRA and to manage its challenges including data mining and conflicts between the case law and GRC decisions on a daily basis while juggling a myriad of other tasks. Recent cases and decisions will be presented which should clarify some of the outstanding questions Municipal Clerks face.

4:45 pm

Please Pick Up Your Silent Auction Items

6:30 pm - 7:00 pm

Cocktails and Music

7:00 pm - 10:00 pm

Dinner, Entertainment and Installation of New Officers

Reveal of Newly Styled Municipal Clerks

50/50 Raffle

THURSDAY, APRIL 27, 2017

Check out of Hotels

8:00 am - 9:15 am

Breakfast

9:00 am - 11:00 am

Registrar's Refresher - 2nd Floor

Damon Koslow, Outreach Manager, Office of Vital Statistics & Registry

9:20 am - 11:00 am

Everything You Always Wanted to Know About Ethics but Were Afraid to Ask

Eleanora L. Benz, Esq.

Heidi R. Brunt, CRM/RMC/CMC, Municipal Clerk, Township of Middletown

The panelists will provide an interactive session with various case studies that have occurred recently. While we all think we know the difference between right and wrong and what is ethical and what is not, the answer is not always so cut and dry. The panelists will provide thought provoking scenarios which provide an opportunity for audience participation and will generate a lively discussion on what is the right thing to do. You may be surprised at some of the answers.

11:00 am - 11:15 am

Break

11:15 am - 12:30 pm

So What Happens AFTER the Adoption of a Bond Ordinance and BEFORE You Purchase Your Capital Items?

Matt Jessup, Esq., McManimon, Scotland and Baumann

Debra L. Sopronyi, RMC/QPA/CMR, Municipal Clerk, Borough of Hightstown

Heather Mailander, RMC/MMC/CPM, Municipal Clerk, Village of Ridgewood

An increasing number of bond ordinances are being challenged through a petition drive and special elections as a result are also increasing. This session will explore what happens when there is a challenge from two different perspectives - the financial experts and the Municipal Clerk who is on the front line of the petition and referendum. The session will also provide guidance on what happens once a bond ordinance is passed and you are ready to make capital purchases

12:30 pm

Drawing for 2018 Annual Education Conference Registration

MCANJ WILL GIVE AWAY TEN REGISTRATIONS FOR THE 2018 ANNUAL EDUCATION CONFERENCE FOLLOWING THE LAST SESSION ON THURSDAY. A BUSINESS CARD DRAWING WILL BE HELD. MUST BE PRESENT TO WIN.

MUNICIPAL CLERKS' ASSOCIATION OF NJ 2017 EDUCATION CONFERENCE

Continuing Education Credits Awarded to: [Name]

CMR Number (if applicable): [CMR]

Session Name	Date	DCA Course	RMC	*CMC	*MMC	CMFO	CPWM	QPA	CTC	CMR
And the Winner is.....????	4/25/17	13708.1	2.0 EL	1.75 hrs	1.75 hrs					
Ethics: Municipal Clerk's Primer	4/25/17	13708.6	1.0 ET			1.0 ET	1.0 ET	1.0 ET	1.0 ET	
Presenting Yourself as a Municipal Clerk	4/25/17	13708.9	1.0 PD	2 hrs	2 hrs					
ABC & LGCCC: Basic Letters but Important Acronyms	4/26/17	13708.3	2.0 LI	1.75 hrs	1.75 hrs					
Municipal Audits - Exactly What Do All of Those Numbers Actually Mean?	4/26/17	13708.4	1.5 F	1.50 hrs	1.50 hrs	1.5 M/A		1.5 OA/GD		
Good Management for EDISCOVERY	4/26/17	13708.8	2.0 R	1.75 hrs	1.75 hrs	2.0 M/A	2.0 G	2 OA/GD	2.0 G.S	
OPRA from ALL Perspectives	4/26/17	13708.5	1.5 R	1.25 hrs	1.25 hrs	1.5 M/A	1.5 G	1.5 OA/GD	1.5 G/S	
Registrar Refresher	4/27/17									2.0
Everything you Always Wanted to Know about Ethics but Were Afraid to Ask	4/27/17	13708.2	2.0 ET	1 hr.	1 hr	2.0 ET	2.0 ET	2.0 ET	2.0 ET	
So What Happens AFTER the Adoption of a Bond Ordinance BEFORE you Purchase Your Capital Items	4/27/17	13708.7	F	1.25 hrs	1.25 hrs	1.5 F/DM	1.5 G	1.5 OA/GD		

CMC/MMC 3.5 Education points with completed learning assessment

Education Credit Key

Abbreviation	Category	Discipline	Abbreviation	Category	Discipline
EL	Elections	RMC	LG	Legislation	CTC
ET	Ethics	All disciplines	M	Management	CPWM
F	Finance	RMC	M/A	Management/Ancillary Subjects	CMFO/CCFO
G	Government	CPWM	M/S	Management/Supervision	RPPO/S
G/S	General Secondary	CTC	OA/GD	Office Administration/Gen Duties	QPA
H	Hours	IIMC	PD	Professional Development	RMC
IT	Information Technology	All disciplines	R	Records	RMC
LI	Licensing	RMC	RG	Registrar	CMR

The Challenging Role of Municipal Clerks in New Jersey Elections

(continued)

Consequently, Municipal Clerks often find themselves torn between furthering the sentiments of their local elected officials and/or school district administrators and recommending the public school buildings which they believe are the most suitable location for their voters. This current tension is very unfortunate, and if continued, does not bode well for maintaining the ease of access to the polls that New Jersey voters have come to expect. The New Jersey Election Laws makes it very explicit that public buildings, including schools, must be made available for conducting elections. Therefore, it is not whether municipal clerks have the ability to “Pushback” against this growing opposition among school districts, local elected officials and parents but whether they have the will. If they do, we will hopefully see a decline in the number of school districts attempting to deny voters access to their public school buildings. On the other hand, if they don’t, it will be up to the County Boards of Elections to hold the line and demand access to those most suitable and desirable public school buildings.

The second factor that Municipal Clerks must consider when identifying the most suitable poll location for voters is the federal mandate that all poll locations be handicap accessible. This is a major consideration that must now garner more attention by the Municipal Clerks prior to submitting a poll location recommendation to the Boards of Elections for approval. The Department of Justice (“DOJ”) has recently implemented an aggressive ADA compliance review effort that targets polling place accessibility. As a result, the Federal Handicap Accessibility Survey is being imposed on certain jurisdictions. For instance, there are currently two counties in New Jersey that were subject to Election Day inspections by the DOJ and were found to be “noncompliant” with certain federal accessibility requirements. Consequently, these particular counties are being requested by the DOJ to enter into a Stipulation Agreement that would subject them to federal oversight and more strenuous accessibility and poll worker training requirements.

Although we do not know yet exactly how far the DOJ will pursue these particular ADA election compliance measures, we do expect that going forward the Municipal Clerks will have to be more proactive in ensuring the poll locations are in compliance with all ADA requirements. County election officials are currently working on modifying the State ADA checklist in an effort to bring it more in line with the Federal checklist where feasible. In addition, new protocols will also be considered and subsequently implemented that will ensure a uniformed inspection and certification approach throughout New Jersey. Municipal Clerks will be expected to consider the mandatory accessibility requirements prior to recommending any poll location to the Boards of Elections for approval. The Polling Place Accessibility Committee in each county will be primarily responsible for inspecting and certifying the ADA compliance of each poll location in their respective county.

Notwithstanding, Municipal Clerks will have the initial opportunity to review and assess a location for its suitability and compliance with the required accessibility standards. The results of the Municipal Clerks initial review will not only ensure a more efficient approval process but also a more favorable response to the recommendations they ultimately submit to the Polling Place Accessibility Committees and the Boards of Elections.

This article was written by Jerry L. Midgette, Election Board Administrator & Somerset County Election Board Administrator

Jerry L. Midgette was appointed Administrator of the Somerset County Board of Elections in June 2006. He has an extensive background in election law with broad experience in the election process. He successfully served as election counsel, providing legal advice and representing organizations, elected officials and candidates during recounts and election contests. He served as health law counsel at the prestigious law firm of Pitney Hardin. He worked for the New Jersey Department of Health and Senior Services as Director of Legal & Regulatory Affairs and served as the Department’s chief legal and regulatory officer.

He was elected and currently serves as President of the New Jersey Association of Election Officials. Prior to being elected President, he served as the Chairman of the By-Laws Committee and Nominating Committee, as a member of the Legal and Legislative Committee and as Special Advisor to the President of the NJAEO. He’s married with two children and lives in Franklin Park in Somerset County.

PEOPLE PAGE

Welcome to the People Page! My name is Pamela Borek and I am the Clerk in Hillsborough Township, Somerset County.

In each issue of the Quill, I look forward to sharing your celebratory news, be it about a promotion, additional certification or your retirement. I will respectfully offer our condolences in your time of sorrow from all of your friends within the Clerk community.

Please do not hesitate to contact me with your news at pborek@hillsborough-nj.org and don't forget to send along pictures.

Look forward to hearing from you all soon.

All the best,
Pam



CONGRATULATIONS



Atlantic County

Two members of the Atlantic County Clerk's Association recently passed the exam for RMC!

Pictured : (L) Shelby Mollenkopf – Somers Point and (R) Dorothy-Jo Ayers – Weymouth Township

RE-APPOINTMENTS

Ocean County

Tuckerton: Tuckerton Borough Administrator Jenny Gleghorn was reappointed Borough Clerk on February 6th.

Passaic County

Sonia Gordon (pictured right) received a permanent appointment as the City Clerk of Paterson, after completing her appointment as acting clerk since 2014.



RETIREMENTS

Atlantic County

Recent retirees from Atlantic County

Pictured below: (L-R) standing Carol DeGrassi - Somers Point and Bonnie Yearsley - Weymouth Township, seated Rhonda Williams - Atlantic City and Joan Anderson - Township of Hamilton
Not present: Janice Callaghan - Ventor City



People Page (contd.)

RETIREMENTS

Cape May County



Mercer County

Trenton City Clerk Richard Kachmar retired at the end of February. He was the clerk since October 2013. Pictured below is Kachmar being sworn in back in 2013.



Union County

Roselle Park Borough Clerk Doreen Cali retires after 10 years as clerk. Pictured below: Roselle Park Clerk Doreen Cali (center) is joined by Union County Freeholder Vernell Wright (R) and Union County Clerk Joanne Rajoppi (L), at the County Clerk’s annual luncheon in honor of Municipal Clerks Week. Doreen also serves at the President of the Union County Municipal Clerks Association.

CONGRATULATIONS AND BEST WISHES TO ALL OF THE RECENT RETIREES!

TRANSITIONS

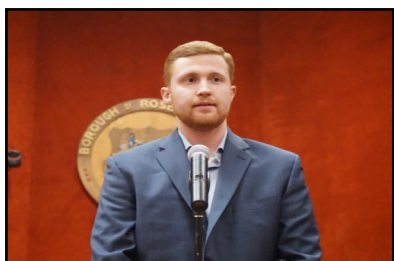
Cape May County

Cape May: Patricia Harbora, Cape May’s deputy clerk since 2012, was named city clerk on Tuesday, March 7th. Her oath was performed by Cape May County Clerk Rita Fulginiti. Erin Burke was appointed as deputy clerk, also on March 7th, to assist Harbora. Picture below: Patricia Harbora



Morris County

Riverdale: Carol Talerico, former twenty-seven year Borough Clerk of Riverdale, was hired as a part time Assistant to the Mayor where she assists the Mayor and mentors other staff members.



Union County

Roselle Park: Former First Ward Councilman Andrew Casais was unanimously appointed as Roselle Park’s borough clerk for three years.

People Page (contd.)

BEST WISHES IN YOUR NEW POSITIONS!

County Appointments

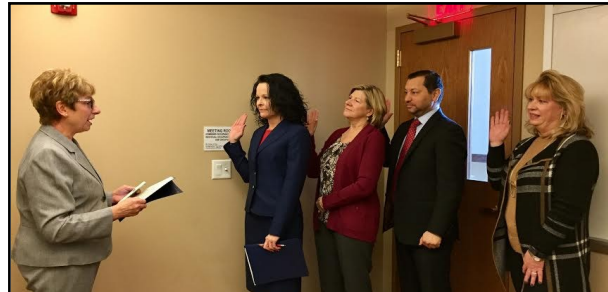
Middlesex County

Three officers were sworn in at the Middlesex County Municipal Clerk's Association meeting held on March 16, 2017 in Woodbridge. Pictured below (l-r) are Sergeant at Arms Gabriella Siboni (Milltown), Vice President Melissa Seader (Piscataway), President Susan Jackson (Metuchen), and former MCANJ President John M. Mitch (Woodbridge). Not pictured: Treasurer Amy Antonides (So. Plainfield) and Secretary Norma Carbin (So. Brunswick).



Somerset County

Four officers were sworn in at the Somerset County Municipal Clerk's Association meeting held on March 16, 2017 in Bridgewater. Pictured below: MCANJ President Denise Szabo administers the Oath to President – Pamela Borek (Hillsborough), Vice President – Michelle DeRocco (Watchung), Treasurer - Hector Herrera (Bound Brook) and Secretary – Maggie Schmitt (Branchburg)



In Other News....

Atlantic County

Brigantine City Council thanked City Clerk Lynn Sweeney and the Brigantine True Spirit Coalition for the work they do throughout the year assisting the less fortunate, particularly during the holidays.

Passaic County

Paterson's longtime municipal clerk Jane Williams-Warren was recently recommended for an appointment to the Great Falls National Historical Park federal advisory commission by the City Council. She served as the chief clerk in Paterson for 24 years and retired from that position in 2014. Pictured left: Jane Williams-Warren



Union County

Township Clerk Tara Rowley was honored for her 10 years of work as the Clerk of Cranford.



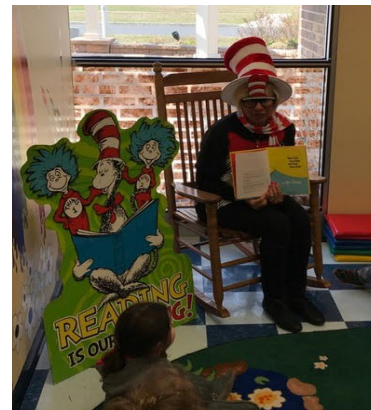
People Page (contd.)

In Other News....

Honoring Dr. Seuss

Gloucester County

New Jersey Municipal Clerk's Association, 1st Vice President, Dina Zawadski and President of the Deptford Free Public Library, Celebrates Dr. Seuss Day at Deptford Free Public Library with the children. Reading is an essential part of education and she strongly believes that reading motivates and inspires children throughout their lives. Pictured below Dina is inspiring young readers of Deptford.



Just for Fun

Middlesex County:

MCANJ President Denise Szabo sits patiently as her caricature is being drawn by an artist who attended Middlesex County Municipal Clerk's Associations' annual after the holiday's party in January in Woodridge.

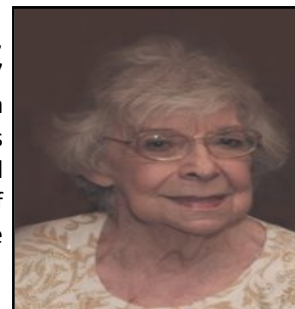
CONDOLENCES

The Municipal Clerks' Association of New Jersey offers the following condolences:

Bergen County

Condolences to recently retired Emerson Borough Clerk Carol Dray who lost her mother on January 20th. Beverly Jane Martin, 87, of North Haven, NY passed away on January 20, 2017 at Merry Heart Senior Care in Succasunna, NJ.

Lorraine H. Werner, retired Garfield City Clerk (Bergen County), passed away at age 79 on March 5, 2017. She was employed by the City of Garfield for 35 years, serving as City Clerk from 1976 to 1987 and was the immediate predecessor of current Garfield City Clerk Drew Pavlica. She was also a member of Holy Trinity Lutheran Church in Garfield where she was a Church Board of Trustees Member, Church Secretary, Sunday School Superintendent and Teacher, Preschool Director and Teacher, and a member of both the Mary and Martha Ladies Auxiliary and Church Choir. Outside of her church community, she was a member of the Ladies Auxiliary of the Archer Edler Drum and Bugle Corps in PA and a member of the Garfield Republican County Committee.



Ocean County

Beachwood, NJ: Eleanor L. Applegate, 85, of Beachwood, NJ passed away on March 5, 2017. Born in Elizabeth, she lived most of her life in Beachwood. She served as the Beachwood Borough Clerk from 1970 - 1977, then worked for the Beachwood Sewerage Authority for over 35 years before retiring. She was also a life member of the Beachwood Fireman's Ladies Auxiliary.

Essex County

East Orange: Lillian W. Moore, retired East Orange City Clerk passed on Saturday, February 4, 2017. She served as Deputy Clerk 1992 – 1995 and as City Clerk 1995 – 1998.



OPMA & GROUP EMAILS

Written by Edward Purcell, Esq., Staff Attorney—NJLM Associate Counsel (njslom.org).

Reprinted from NJ Municipalities Magazine March 2017 issue, courtesy of the New Jersey State League of Municipalities

This month we look at something that is important and timely—the Open Public Meetings Act (OPMA) and modern telecommunications technology. In particular, the use of group emails by local elected officials.

Let's go over the basics. OPMA requires that meetings of the governing body be open to the public. In passing the law, the legislature declared that its purpose was to protect the "right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies." The law further defines "meeting" as any gathering "whether corporeal or by means of communications equipment, which is attended by, or open to, all of the members of the public body, held with the intent... to discuss or act as a unit upon a specific public business of that body." The law provides for a few exceptions when the public can be excluded but the general rule is that "all meetings of public bodies shall be open to the public at all times."

Local official should be wary of violating OPMA in the use of group emails. It is clear that an ongoing email discussion, amongst at least a quorum of a local governing body, would be in violation of the law. OPMA says that discussions must be open to the public and an email chain does not meet that requirement. A more difficult question is whether an email exchange among *less than a quorum of elected officials would violate the law. To a certain extent, email exchanges between less than a quorum of elected officials could be analogous to a subcommittee meeting, which is exempt from OPMA. So at this point, it would appear that such discussions would not violate the law.*

At least two county prosecutors' offices (Burlington and Gloucester) have issued guidelines on the use of email by public officials. These guidelines are:

1. Email communications should, as far as practicable, not include an effective majority of the governing body where discussion of information related to the business of the municipality is involved.
2. Where email communications do include an effective majority of the governing body, such communications should not include any request for a response. This includes emails sent by municipal employees to members of the governing body. The providing of information to the entire governing body should specifically indicate that there should be no email replay or other communication contrary to the OPMA.
3. In the rare instance when a response to an email is necessary, such response must not involve any decision making or deliberative function of the governing body or otherwise address public business as contemplated by the OPMA. Further, the response shall not be made to the entire list of email addresses to avoid even the appearance of impropriety. Utilizing a third part, such as the Clerk, does not change the requirement of the OPMA.
4. "Rolling" email conversations must also be avoided. A "rolling" email occurs when one (1) member of the governing body or a third party contacts other members via email individually to successively discuss or gain opinions on an item of Township business. This would apply to other forms of electronic communications as well. However, communications between less than an effective majority of the governing body do not violate the OPMA provided the dialogue does not become a "rolling" discussion that ends up including an effective majority of the governing body.

We should clarify one wrinkle. It is a common practice for local government officials to receive information packets before meetings. Most often these include an agenda and attachments. This should not be a violation of OPMA as long as the transmission is one way between the clerk and each individual elected official. The safer practice is to "blind copy" the governing body members so that they cannot just "reply all" to the email.

In sum, the rule is- debate and formal action can only be taken during a properly noticed public meeting to avoid challenges to, and invalidation of, actions. For example, courts have invalidated zoning variances because portions of meetings were taken, unlawfully, in closed session. *Caldwell v. Lambrou*, 161 N.J. Super. 2874, 291-292 (N.J. Law Div. 1978). *It's therefore important to tread carefully when it comes to emails. Don't click "reply all" until you've taken a moment to think about how your actions impact OPMA.*

I will be leaving the League of Municipalities to enter private practice, joining the municipal group at Difrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer and Flaum, P.C. Simply put, it's been a privilege to serve local officials at the League. You are the people who keep our state moving, and I'm glad that I will continue to serve local officials in my private practice.

A Day in the Life of a Municipal Clerk
New Technology
(continued)

Last month, I spent an hour trying to figure out what was wrong with a new printer (we don't have in-house IT). It was plugged in. All the cords were connected. I searched the internet for trouble shooting, then gave up, emailed the IT company for help, and turned to the copier to print something instead.

Turning to the copier was also a problem. The printout was too light. Thinking I knew what I was doing, I decided the copier needed toner. With a thump and a shake, a plume of ebony smoke rose into the air before toner rained down on me, the furniture and the carpet. Another employee walked into the room and saw the mess. "What happened here?" he asked, as he proceeded to walk right up to the copier, through the black toner, driving it into the carpet and leaving footprints throughout the office. In my head, I said some things that would make my mother blush. I spent the next hour cleaning up the mess.

As luck would have it, another employee (who is clearly more tech savvy than me) figured out why my printer wouldn't print. I had neglected to press the power button to turn it on. Next time, I'll be smarter and call for a repair immediately instead of wasting so much time trying to fix anything myself!

I returned to my desk to get back to work, but my keyboard drawer collapsed, careening off my lap and directly onto my little toe. Ouch! I thought everything that transpired was a sign that I should just go home and start again tomorrow, but I'm a glutton for punishment.

The computer network went down next. Luckily, our IT person had previously installed my work emails on my phone, so at least I could read the 100+ messages that awaited my reply. At some point, the network started working again, but we weren't able to send or receive emails on our computers. I immediately grabbed my phone and emailed the IT company to let them know. Their reply? "If you can't send emails, then how did you email us?"

"My phone."

"Oh, I guess that's why it says *Sent from my Verizon 4G LTE smartphone.*"

Ya think?

I asked my deputy to order something and told her I'd find the phone number for her. While she was at lunch, I found a business card for the vendor, complete with the sales rep's photo. I taped it to her computer screen figuring it wouldn't get lost and she'd see it right away. When she returned, she asked, "What's this?" I told her it was her inspiration for her next romance novel. She laughed, but looked confused. "How do I get this off my computer?"

"It's taped Beth, just pull it off." She laughed harder. I laughed, because I knew I wasn't smart enough to actually figure out how to get a business card to appear electronically on her screen.

A resident called me to ask if they were registered to vote. Thanks to the wonderful SVRS system, her voter information should have been at my fingertips, except that she wasn't actually registered. But, thanks to the equally wonderful technology called the internet, she could instantaneously get a voter registration from the link on our website. Or so I thought.

"What's your website address?" the caller asked.

"It's w, w, w, dot Robbinsville hyphen t, w, p, dot org."

"How do you spell hyphen?"

"No, not hyphen, dash."

"So, d, a, s, h?"

"No, I mean, it's a symbol, like a dash or a hyphen."

"Ummm..."

"How about I just send you one in the mail?"

"That works."

So much for new technology!

This column is meant as lighthearted humor for those who work as municipal clerks. Our hope is that it will strengthen our relationships by fostering an emotional connection to similar situations we have all experienced.. Laughter provides a strong defense against stress, disagreements and disappointments. It helps us to see situations in a more realistic, less threatening light.

NJ Municipalities: Don't Sleep on Your Rights! A Look at the Rise of Short-Term Overnight Rentals and the Impacts of Municipalities

(continued)

With so many other day-to-day operational concerns, it's no wonder that a large majority of New Jersey municipalities are just beginning to notice the prevalence of short-term overnight rentals occurring within their borders.

Is the State regulating these rentals?

At the time this article was written, the State legislature had not formally passed any bills regulating short-term rentals. However, in July of 2016, Assemblywomen Valerie Vainieri Huttler, D-Englewood, and Annette Quijano, D-Union, co-sponsored a measure which would have imposed on these rentals a 7% sales tax, a 5% occupancy fee, and up to a 6% municipal occupancy tax – the same as motels and hotels pay. The legislation was recently introduced for the 2017 session and referred to committee on February 15, 2017 (A4587).

With this void in mind, there is room for regulation by municipalities.

Do municipalities stand to benefit from the popularity of companies like Airbnb?

Yes and no. As explained below, your town should be able to levy a local occupancy tax on these transactions and treat these more innovative host and guest situations the same as an overnight hotel stay. But, as government officials know, with regulation comes the time consumption and cost of enforcement and policing. Depending on whether a municipality looks favorably or unfavorably upon short-term rental practices, overregulation may be a disincentive to both hosts and potential guests.

Most likely, your town already has a short-term rental law on the books and is simply missing the opportunity to enforce and collect an occupancy tax on the rentals. For example, Jersey City and Newark are collecting a 6% hotel/motel use and occupancy tax on all Airbnb rentals within their jurisdictions. To assist with the enforcement and collection of the tax, these cities have entered into agreements with Airbnb to ensure that hosts renting out their properties are not forced to act as a "middleman" between guests and the municipality – instead, Airbnb has added a line item to its billing summary for rentals occurring within these towns, ensuring that the tax is assessed and paid to Airbnb. Airbnb then directs the occupancy tax revenues to the municipalities. According to the Airbnb website: "We're continuing to work with governments across the world to explore ways to help facilitate occupancy tax collection in as many locations as possible." By all recent accounts, this service comes at no cost to Jersey City and Newark. Evidently, Airbnb is satisfied enough to be permitted to operate within these locations.

In addition to collecting an occupancy tax, [N.J.S.A. 40:52-1\(n\)](#) allows governing bodies to make, amend, repeal, and enforce ordinances to license and regulate "[t]he rental of real property for a term less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere." Municipalities have the option of collecting a fee in order to recover the costs associated with inspections and the issuance of "rental property" licenses. [N.J.S.A. 40:48-2.12m](#). The legislature has also authorized municipalities to impose "additional assessments" to any fee levied upon a license issued by the municipality. [N.J.S.A. 40:52-7](#).

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william.stewart@kofile.us

Continued on next page

NJ Municipalities: Don't Sleep on Your Rights! A Look at the Rise of Short-Term Overnight Rentals and the Impacts of Municipalities

(continued)

The Appellate Division upheld a municipality's imposition of a tourism fee on top of a licensing fee, pursuant to N.J.S.A. 40:52-7, in United Property Owners Ass'n of Belmar v. Borough of Belmar, 343 N.J. Super. 1 (App. Div. 2001), *certif. denied*, 170 N.J. 390 (2001). *While these provisions have historically been more prevalent in the code books of shore towns with heavy summer rental business, there is nothing in the statutes that specifically limits the application of these provisions to summer shore rentals, so long as the property is being rented for less than 175 consecutive days.*

Should municipalities be concerned with the popularity of short-term overnight rentals?

Opponents of the "home sharing" business express legitimate concerns that all governing bodies should consider thoughtfully before taking any stance or imposing any local regulations. In New York City, landlords are allegedly evicting tenants so that the property can be rented out to Airbnb guests for a higher nightly rate in the short term. Other cities are worried that quiet residential neighborhoods will be transformed into a hotel district occupied by transient tourists. Without a specific agreement with the short-term rental company, the responsibility to determine how occupancy taxes will be collected is left to the individual towns – if the tax is not a line item paid up front as part of the rental, will guests be expected to pay the host in cash upon arrival? Will the burden to pay the occupancy tax fall only on host property owners (aka the residents who are paying property taxes)? What mechanism will the municipality use to impose and collect the tax? In the event that a municipality chooses not to regulate and tax short-term rental transactions, local hotels and motels may complain and even sue towns. After all, hotels must undergo regular inspections and sprinkler tests, must be updated to be ADA-compliant, and their transactions are subject to state and local occupancy taxes – all things that seemingly do not apply to transactions under Airbnb, HomeAway, and the like.

Municipalities will also need to contemplate zoning regulations, if any. Home sharing businesses are different than hotels and bed and breakfasts. Hotels and bed and breakfasts, normally, can only operate in a commercial zone or a specific residential zone. Home sharing, by definition, takes place in residential areas, making it very difficult to zone without eliminating the business. While zoning regulations may be difficult to implement, municipalities may want to consider "animal house" ordinances to regulate the use of the home. Home sharing should not be disruptive to the neighborhood.

Conclusion

Navigating the issue of transient accommodations in your town is no simple task. This article is intended to convey the fact that there are several moving parts, not the least of which is that the short-term rental business industry is still in a state of improvement and development. There may be repercussions for municipalities whether the governing body chooses to step in and regulate, or chooses to opt out and avoid regulation. Municipalities should consult with their solicitors for advice on this issue.



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**OPRA—THE SUPREME COURT SPLITS 4-2 REVERSING TWO LOWER COURTS
BUT YOU'RE SUPPOSE TO GET IT RIGHT ALL THE TIME**

Written by Richard Lustgarten, Esq.

The name of the case is *Gilleran v Twsp. of Bloomfield* and it was decided in Nov. 2016. Plaintiff made an OPRA request for disclosure of footage from a stationary security camera attached to the Town Hall.

She argued that the camera is in plain sight and captures video of public areas. (You may recall that I wrote about this case when it was decided in the Appellate Division.) Arguments for disclosure were that the tape is a public record, shows what somebody in the outside area of the Town Hall could see anyway, and if there were confidential or exempt portions on the tape it could be redacted and the balance released.

The Township argued that the tape could show the coming and going of employees, confidential informants, and victims of domestic violence all of which could jeopardize their safety. It argued that the purpose of providing surveillance would be thwarted if the public had access to the videos. Finally, the Township argued that disclosure would allow the public access to the system's capabilities and vulnerabilities and that to review each video requested would impose a substantial burden on municipal employees.

After the OPRA request was denied, plaintiff brought suit in the Law Division under the procedural remedies of OPRA and under the common law right of access. The trial judge granted the OPRA request but never reached the issue of access under the common law. The judge ordered the parties to discuss the award of counsel fees since plaintiff prevailed. After the Township appealed, the Appellate Division affirmed the trial court indicating that OPRA contains no blanket exemption for security purposes and that determining whether a government should review a recording should be determined on a case by case basis. It remanded the matter to the Law Division on the issue of counsel fees.

The matter was appealed to the New Jersey Supreme Court. At the outset the Court reviewed the underpinnings of OPRA and indicated that there should be unfettered access to public records subject to the delineated exemptions. The government has the burden to prove that a requested record falls within an exemption and if it does not, it must be disclosed.

The Court discussed the two exemptions that were in question. (Preliminarily, the Court accepted that the video was a government record since neither party contended to the contrary.)

The first exemption protects "emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein" and the second exemption of "security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software."

The exemptions combine to protect not only 'what' is disclosed by the surveillance but 'how' the surveillance operates. The Court indicated that the Township's concerns relating to disclosure were well founded. It decided that if OPRA were interpreted to allow unfettered access to the videos, information about the camera itself, its scope and the area surveilled, the clarity of images and the frequency of their capture, the security system could be attacked by those seeking to do harm and its protections dismantled by such actions.

The Court decided that the two lower courts were incorrect and that the Township provided an adequate basis for finding that the footage was exempt from release.

Continued on next page

OPRA—The Supreme Court Splits 4-2 Reversing Two Lower Courts But You're Suppose to Get it Right All the Time

(continued)

Nevertheless, the Court, while denying the OPRA request, also indicated that the issue of disclosure or not of security footage was better off reviewed pursuant to the common law standard which allows a balancing of the need for access to be weighed against the government's need for confidentiality.

Since this issue was not decided in the trial court the Supreme Court sent the case back to it for a determination. This was the ruling of four of the Justices. Two justices dissented. In their opinion, the statutory exemptions are not blanket exemptions by their own language, which they say the majority ignored. In their view the matter should have been sent back the trial court for it to determine, based on what appears on the tape, whether the requested footage "would jeopardize security" or "would create a risk to" safety.

So there you have it. Four lower court judges said DISCLOSE under OPRA, (one trial and three Appellate), four Justices said DON'T DISCLOSE under OPRA but maybe under the common law, and two Justices said MAYBE under OPRA.

By the way, under the common law balancing test, what standard do you use to determine if governmental confidentiality trumps the public's need for access or vice versa? Probably ultimately whatever a majority of the Supreme Court says. Good luck with that one.

SOME POST-ELECTION QUOTES ACROSS THE POLITICAL SPECTRUM

I never considered a difference of opinion in politics, in religion, in philosophy, as cause for withdrawing from a friend.----
Thomas Jefferson.

Voters don't decide issues, they decide who will decide issues.---
-George Will.

Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies.---
Groucho Marx.

In politics stupidity is not a handicap.----Napoleon Bonaparte.

It has been said that politics is the second oldest profession. I have learned that it bears a striking resemblance to the first.----
Ronald Reagan.

Politics is the art of choosing between the disastrous and the unpalatable.----John
Kenneth Galbraith.

Let us not seek the Republican answer or the Democratic answer, but the right answer.
Let us not fix the blame for the past. Let us accept our own responsibility for the future.----John Fitzgerald Kennedy.

The ballot is stronger than the bullet.----Abraham Lincoln.

Try to be a rainbow in someone's cloud.----Maya Angelou.

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More than 500 People Line up for 'Municipal ID' Union City Still Processing Applications

Written by Hannington Dia

Published in <http://hudsonreporter.com> on March 5, 2017

In the wake of Donald Trump's crackdown on undocumented immigrants, Union City has started an ID program to help local residents get municipal services and attend local programs. The ID will not allow people to vote.

The number of residents who came to Town Hall to fill out applications on March 1 quickly approached 500 only a half hour after the applications opened, according to an anonymous city official who spoke with a reporter.

"We didn't expect it was going to be this large of a turnout." – Lt. John Loaces

This exceeded the building's occupancy limit, forcing the city to shut the process down two and a half hours earlier than planned. They reopened the process all day the next day, and will continue to sign people up from 4 p.m. to 7 p.m. on Tuesdays and Wednesdays.

"We didn't expect it was going to be this large of a turnout," said Police Lieutenant John Loaces, as he informed arriving residents the clerk's office wouldn't accept any more applications for the day

The cards are free and available for all residents ages 14 and up, regardless of immigration status. They will allow residents to access public services such as libraries, pools, and parks. The city is working closely with local businesses and banks to get them to use the ID's as well

As for voting, "Voting laws are set by the state," said Director of Operations Erin Knoedler. "We still have to follow the state laws. These are just local ID's."

The program started in the wake of the president's announcements about cracking down on undocumented immigrants who have committed crimes. Two weeks ago, Union City said it will be a "sanctuary city," meaning officials will not direct police to work with Immigration and Customs Enforcement agents who are randomly looking for immigrants. (They will still help look for a suspect in a serious crime.)

Undocumented immigrants aren't all people who slipped into the country illegally. Some got a work permit for a job and then lost the job. Some are foreign students who stayed longer, and some were visitors who had a child while in this country.

Fears

On the second floor, the lucky residents who managed to get inside before the cut off stretched from one end of the hall to the other.

Many were afraid to speak, even anonymously, to a reporter. The ones who did made it clear they were signing up for protection from the president's initiatives.

"I'm signing up because of what could happen, what the president could do," said one applicant waiting on the pre-ID line, who requested anonymity. "You don't know, and you live without knowing what could happen to you. Today, he says something; tomorrow he says something worse."

"I'm signing up to be sure, and to have something that can identify myself with the state of New Jersey," said another anonymous resident waiting on line with her daughter, who admitted she is undocumented.

Of the president, she said, "We're very afraid. I'm very grateful for the Union City mayor for his help and protection and assurance that he gives to the residents."

"It's amazing," Mayor Brian Stack said of the higher than expected turnout, when he visited at an immigrant rights seminar that same day (see sidebar). "By word of mouth, we gave out 1,000 applications today. The line went out the door."

Hannington Dia can be reached at hd@hudsonreporter.com

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MEMBERSHIP SUMMARY as of March 27, 2017

County	Total # of Municipalities	Total # of Municipalities Paid	% Paid
Atlantic	23	18	78%
Bergen	70	60	86%
Burlington	40	37	93%
Camden	37	26	70%
Cape May	16	15	94%
Cumberland	14	8	57%
Essex	22	17	77%
Gloucester	24	22	92%
Hudson	12	7	58%
Hunterdon	26	24	92%
Mercer	13	11	85%
Middlesex	25	22	88%
Monmouth	53	46	87%
Morris	39	35	90%
Ocean	33	27	82%
Passaic	16	14	88%
Salem	15	10	67%
Somerset	21	19	90%
Sussex	24	17	71%
Union	21	18	86%
Warren	22	19	86%

MEMBERSHIP MESSAGE



Any person holding an active membership with MCANJ, whose address or jurisdiction changes during the membership year, may carry the membership with him/her to the end of the membership year upon written notice to the MCANJ Treasurer.

The Treasurer will update the information in the membership database to reflect the change in address, municipality or county; however, the membership type will remain the same until the end of that membership year.

CATEGORY	TOTAL
Full - Municipal Clerk	476
Affiliate - All Others	29
Honorary Membership (Retired)	51
Full - Clerk of Freeholder Board	1
Associate - Assistant Municipal Clerk	26
Associate - Deputy Municipal Clerk	192
Full - Acting Municipal Clerk	18
Associate - Deputy County Clerk	4
Full - County Clerk	1
GRAND TOTAL	798

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DEADLINES FOR NEWSLETTER ITEMS

The deadline for People Page submissions for the July 2017 issue is June 7, 2017. Please send People Page news to:

Pam Borek, Municipal Clerk, Hillsborough Twp.,
379 South Branch Road. Hillsborough, NJ 08844
or via Email at pborek@hillsborough-nj.org

The General News Articles deadline is June 14, 2017, and may be sent to:

Joseph Kostecki, Borough of South Toms River, 19 Double Trouble Rd, South Toms River, NJ 08757-5105 or via email to:
joseph.kostecki@boroughofsouthtomsriver.com

Questions or comments regarding this or any issue of the *Quill* may be directed to the Editor, Joseph Kostecki,
by calling (732) 349-0403 or using the contact information shown above.

Articles for submission should be prepared in Microsoft Word, using Calibri 10-point font.

the *Quill*
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