

DRAFT MINUTES

**Municipal Clerks' Association of New Jersey
Advisory Board Meeting Minutes
September 23, 2011 – Neptune Community Center, Neptune City, NJ**

CALL TO ORDER: President Joanne Kwasniewski called the meeting to order at 10:12 a.m.

FLAG SALUTE AND MOMENT OF SILENCE: President Joanne Kwasniewski lead the salute to the American Flag, followed by a moment of silence.

ROLL CALL: Executive Board members present were President Joanne Kwasniewski, 2nd Vice President Nancy Saffos, Treasurer John Mitch, Secretary Keith Kazmark, Immediate Past President Vincent Buttiglieri, Executive Director Joel Popkin and Legal Counsel Richard Lustgarten. 1st Vice President Andrew Pavlica was absent due to a death in the family.

ADVISORY BOARD MEMBERS

COUNTY	NAME	PRESENT	ABSENT
Atlantic County:	Kimberly Hodsdon		X
Bergen County:	Heather Mailander	X	
Burlington County:	Patricia L. Hunt	X	
Camden County:	Deanna Bennett	X	
Cape May County:	Lisa Stefankiewicz		X
Cumberland County:	Susan G. Robestello		X
Essex County:	Linda Wanat	X	
Gloucester County:	Dina Zawadski		X
Hudson County:	Robert Byrne		X
Hunterdon County:	Cecilia Covino	X	
Mercer County:	Eileen Gore	X	
Middlesex County:	Barbara Nyitrai	X	
Monmouth County:	Dawn McDonald	X	
Morris County:	Elizabeth Osborne		X
Ocean County:	Elizabeth Mastropasqua	X	
Passaic County:	Jane Williams-Warren		X
Salem County:	Cynthia Dalessio		X
Somerset County:	Sharon Brienza		X
Sussex County:	James Doherty		X
Union County:	Jean Kuc		X
Warren County:	Kelley Smith		X

APPROVAL OF MINUTES: A motion was made by Treasurer John Mitch, seconded by 2nd Vice President Nancy Saffos, to approve the minutes of the Advisory Board Meeting held on April 7, 2011. The motion carried unanimously.

REPORT OF OFFICERS

TREASURER'S REPORT: Treasurer John Mitch presented the account balances as of:

Checking / Savings	\$ 103,255.90	(as of 8/31/11)
Scholarship Funds	\$ 17,681.50	(as of 7/31/11)
MCANJ Raffles	\$ 7,880.63	(as of 8/31/11)
CD # 100805027	\$ 101,169.32	(as of 7/31/11)
AC in 2013	\$ 8,862.00	(as of 8/31/11)
TOTAL	\$ 238,849.35	

Treasurer Mitch provided copies of the 2011 budget summary for the Advisory Boards review.

Treasurer Mitch reported that there are 799 members as of today. He provided a report that details which municipalities have not joined. He asked members to reach out to the towns that have not paid their membership and encourage them to do so.

A motion was made by 2nd Vice President Nancy Saffos, seconded by Heather Mailander, to accept the Treasurer's Report. The motion carried unanimously.

SECRETARY'S REPORT: Secretary Keith Kazmark reported that we have received one application to seek office from Patty Hunt for the position Secretary.

2nd VICE PRESIDENT'S REPORT: 2nd Vice President Saffos reported that we have five reservations for hotel rooms for the League of Municipalities Conference. There have been seven breakfast tickets sold as of today for our annual business meeting at the League of Municipalities Conference. President Kwasniewski will send out an e-mail blast regarding the breakfast tickets.

1st VICE PRESIDENT'S REPORT: 1st Vice President Pavlica was absent. President Kwasniewski reported on the sessions for the League of Municipalities Conference which includes the Open Public Meeting Act and Drafting Legislation: The Right Way and the Wrong Way. MCANJ will also be sponsoring the Legislative update with the other affiliate groups. There will also be a session on Wednesday which MCANJ will sponsor with the Purchasing Agents group.

IMMEDIATE PAST PRESIDENT: Immediate Past President Vincent Buttiglieri discussed the updates he was asked to make to the procedures manual. This work effort will be completed by the Transition Meeting.

PRESIDENT: President Joanne Kwasniewski reported that the IIMC President Colleen Nicol will be speaking at the annual meeting in Atlantic City. All committee chairs must e-mail their annual reports to the Sharon Brienza by October 17th. If any members are aware of any new retirees or members who have passed away, please advise Sandy Bohinski and Marie Elena Macari.

President Kwasniewski discussed what would occur should no candidate file for the position of Secretary. She also stated there was a concern about how to fill a vacancy due to a resignation of an Executive Board member. Neither of these two scenarios is addressed in the current by-laws. Harold Wiener will report on these matters later under committee reports.

President Kwasniewski reported that the Executive Board will continue to offer 15 scholarships and three alternates.

President Kwasniewski discussed the consulting period at the League of Municipalities Conference. Secretary Keith Kazmark and Immediate Past President Vincent Buttiglieri will staff the booth during this time period.

President Kwasniewski discussed the upcoming OPRA seminar to be held at the PNC Bank Arts Center in October. She will be a panelist. Questions are being submitted prior to the seminar so research can be done by GRC staff beforehand.

President Kwasniewski discussed the Government Finance Officers Association (GFOA) looking to bring the affiliates together to address some of the common issues affecting all of the groups.

The 2013 IIMC Conference Committee is working diligently and are asked for donations from the county associations and others.

OTHER BUSINESS:

EXECUTIVE DIRECTOR: Executive Director Joel Popkin reported on our plans for booth coverage at the League of Municipalities Conference.

Executive Director Popkin reported on the 2012 MCANJ Conference and reviewed the Legal Defense Fund accounts.

The Executive Board has discussed conducting a survey of the membership of MCANJ which will be going out this month. Heather Mailander suggested that this survey be dispensed through the County Associations and have the surveys completed at county meetings.

President Kwasniewski discussed the challenges with securing proper e-mails for our members.

LEGAL COUNSEL: Legal Counsel Richard Lustgarten reported that he will be meeting with Senator Weinberg on Wednesday and will speak with her regarding the changes to the Open Public Meetings Act. He reported that he will be on multiple panels regarding current issues affecting Municipal Clerks. Legal Counsel Lustgarten discussed how blackberry and e-mail correspondence, should it touch on government, is discoverable under OPRA. Discussion regarding attorney client privilege and OPRA ensued.

COMMITTEE REPORTS

Constitution and By-Laws: (Harold Wiener) Reported that the committee is recommending a change to the by-law governing how fill a vacancy on the Executive Board. Mr. Wiener further discussed a mechanism to remove an Executive Board member for cause by a 2/3 majority of the Board. He further explained the change should no candidate file for Secretary and the ability to waive the requirement for tenure if needed. Finally, Mr. Wiener endorsed the recommendation that the Chair of Records Committee serve as liaison to GRC.

Education Committee: (Heather Mailander) Reported that the committee met in June and will meet again in October. They have been working on the sessions for the 2012 MCANJ Conference. Immediate Past President Vincent Buttiglieri discussed the enrollment in the MMC courses. He suggested they become more geographically centralized as enrollment is higher in the north and lower in the south. President Kwasniewski will attend the next Rutgers Education Committee meeting in October and further discuss this issues.

Education Conference: (Heather Mailander) Reported on the 2012 MCANJ Conference next March 27th - 30th. Jean Robinson will be the keynote speaker. Many of our members who heard her at the IIMC Conference last year really enjoyed her and are excited to hear her again. Mrs. Mailander discussed the 85 year anniversary celebration of MCANJ at the annual conference banquet.

Mini Conferences:

(Patty Hunt/South) Reported that the south held a mini-conference on September 15, 2011 and there were 87 attendees with three speakers.

(Harold Wiener/North) – Reported that there will be a north mini-conference in October 13, 2011 in Verona.

(Pat Frontino/South/via e-mail) - The Fall Mini Conference South was held yesterday, in Deptford Township and 87 people registered to attend. We provided 1.5 CEU's in each of the following: Elections, Records, Finance and Ethics.

The Mini Conferences are a great way to receive a good amount of CEU's in various areas for a small amount of money. Judging by the turn-out, it is obvious that this is something that should continue.

Elections: (Jane Williams-Warren) President Kwasniewski reported that Jane Williams-Warren has knee replacement surgery and wished her a speedy recovery.

Fundraising: (Doreen Cali and Addie Hanna). President Kwasniewski discussed fundraising.

Information Technology: (Daina Dale) Reported that in January 2012 changes will be made to the MCANJ website page. She discussed some of the changes that will occur.

Legal Defense Fund: (Sharon Brienza/via e-mail) The Legal Defense Fund has been very busy and currently has two active cases and one that was resolved in June.

On July 29, I met with Joanne, Joel and Rich to review several changes to the by-laws of the Legal Defense Fund. After years of working with them and advice of Legal Counsel, major changes were needed. We hope to have these done and printed for the Annual meeting in November.

Legislative Review: (Dwayne Harris) No report.

Manual Review: (Deanna Bennett) Reported that updates have been made to the manual. She thanked Executive Director Joel Popkin for his help. The committee is on target for a January release of the updates as they are currently being reviewed by the instructors. Discussion as to some of the changes and how the exams will be drawn up based on current or pending changes ensued.

Membership North: (Sally Bleeker/via e-mail)

As chair of the Membership Committee North I would like to report that as of this date all 20 unpaid Municipal Clerks in the northern portion of the state that include the municipalities of Sussex, Warren, Morris, Bergen, Passaic, Essex, Union and Hudson Counties have received calls and were emailed membership applications.

Two Clerks specifically said that due to budget constraints they would not be renewing membership in the Association. Several Clerks once reminded responded that a check would be processed.

I thank you for the opportunity to serve the Municipal Clerks' Association of New Jersey.

Membership Central: (Cecilia Covino) Reported that she received the membership information from Treasurer Mitch and will be following up in her area.

Membership South: (Cynthia Dalessio) No report.

Past President's Council: (Joan Moreland) No report.

Public Relations/ Booth: (Cecelia Covino) Reported that Barbara Rae setting up booth on Monday night at the League of Municipalities Conference.

The Quill: (Jim Doherty/via e-mail) The October issue of the Quill is done and ready for distribution in October. My thanks to all who help to bring the issue together, including the MCANJ Executive Board members and Sharon Brienza.

Raffles: (Debbie Heck) President Kwasniewski will work on the on-premise license.

Records: (Elaine Kennedy/via e-mail) Government Records Council meetings were attended for the first few times this year. However, we have found the cases are no longer summarized at the meeting; the GRC just reads the title and votes on it. GRC no longer reads the summary of the case during the meeting. According to Catherine Starghill, we have to wait until the minutes are approved before we can read the cases; but, even the minutes posted online are just roll calls for each item. We find it ironic that an agency 'ostensibly dedicated to improving the public's access to records' only posts a draft copy of the agenda on its Web Site and does not provide the public with any additional information on action items at its meetings.

For this committee to sit (meetings in Trenton begin at 1:00 p.m. now), through the opening of the meeting, sit out for their executive session (which is in the beginning), and then just hear the vote without knowing the cases, is time wasted, in our opinion. I did contact Joanne and advised her of our dilemma. We are not trying to shun our responsibilities as MCANJ representatives; however, we are not gaining any knowledge by attending these meetings. We intend to review the minutes, opinions,

Out of 238 complaints at the GRC, 21 involved municipalities. The breakdown is:

Voluntarily withdrawn – 15
 No denial of access – 1
 Settled in Mediation – 2
 Dismissed – 2
 Sent to Superior Court – 1

One item of interest from the Construction Code Communicator:

- *Building plans are protected from disclosure pursuant to OPRA; they may be requested through the common law right of access with a clearly stated reason for viewing the building plans;*
- *Site plans and architectural renderings are subject to disclosure through OPRA.*

(P.L.1963, c.73 (C.47:1A-1 et seq) Under the common law, the entity seeking access must prove that its need for the information outweighs the government's right to confidentiality.

We seek out newspaper articles dealing with OPRA and any known case laws.

President Kwasniewski sent letter to GRC expressing concern regarding this. Legal Counsel Lustgarten recommended the Association to adopt a resolution objecting to the process the GRC has adopted relative to the moving cases at their meetings.

Resolutions: (Sandy Bohinski and Marie Elena Macari) President Kwasniewski asked that all retirements and the deaths of any clerks be shared with the committee chairs for a resolution.

Scholarships: (Barbara Nyitrai) Reported that there will be three RMC and three CMC applications. President Kwasniewski will speak with Karen Hughes regarding the scholarships for this year.

Region II: (Vincent Buttiglieri) Reported that he will attend the mid-year IIMC Board meeting in California. The Region II Conference is from January 13th – 15th in Virginia. He further reported that IIMC is having a Membership Drive and the Region Director who secures the most new members will get a free registration. He discussed the

President of IIMC forming a Legislative Committee. He and the other Region II Director nominated Kim Rau of Maryland to sit in that committee.

IIMC 2013: (Chris Wilder) Reported that the committee is doing a great job and the main focus right now is fundraising. The \$10,000 50/50 raffles are selling slowly. The committee is working to sell 200 tickets at \$100 per ticket. Shares of tickets are available. Another raffle that the committee is working on is a registration and hotel stay for the Portland IIMC Conference in 2012. She discussed corporate sponsorships letters which will be sent out. The Middlesex County Clerks' Association has sent a sponsorship check. She further reported that speakers for the conference must be approved by IIMC. The 2013 IIMC Conference will be combined with the 2013 MCANJ Conferences, thus we will need approvals for New Jersey CEU's. The budget is still being worked on. President Kwasniewski discussed voluntary additional dues.

NEW BUSINESS: None.

OLD BUSINESS: None.

ADVISORY BOARD MEMBERS

Atlantic County: No report.

Bergen County: Reported that they will be holding their next meeting on October 13, 2011. Bergen County election officials will be speaking and the session will provide CEU's in elections.

Burlington County: Reported that they will be holding their next meeting on October 13, 2011. Legalized Games will be there to speak and offer CEU's in Licensing. The agenda for their next meeting will also include the 2013 raffle tickets and sponsorships.

Camden County: Reported that their Executive Board meeting will meet next week. The agenda for their next meeting will also include the 2013 raffle tickets and sponsorships.

Cape May County: No report.

Cumberland County: No report.

Essex County: Reported on the mini-conference which will be held on October 13, 2011. Harold Wiener was thanked for stepping up to be the President of the Essex County Association. They will also discuss the 2013 sponsorship opportunities and raffle.

Gloucester County (via e-mail): In May, the Municipal Clerks' Association of Gloucester County hosted our 3rd annual "Meeting with the Mayors". This year, Assemblyman John Burzichelli, who is also the Mayor of Paulsboro, was our Guest Speaker. What has become a tradition with this meeting, each Mayor recognizes their Clerk for the great work we all do.

We continue to hold meetings regularly and offer CEU's at our meetings. Our upcoming breakfast meeting is scheduled for Thursday, September 29th; which will include information on OPRA and OPMA.

Our Association plans to continue offering two scholarships to the MCANJ Educational Conference for our members.

Hudson County: No report.

Hunterdon County: Reported they will meet on October 25, 2011 and they will discuss raffle and MCANJ survey.

Mercer County: Reported they will meet on October 25, 2011 and will discuss a possible \$1,000-\$3,000 sponsorship. They will also dispense raffle forms. Their October meeting will provide a session on Tweeting and Facebook. They will be selecting a charity organization to donate to for their holiday meeting.

Middlesex County: Reported that the association met two weeks ago. Their meeting provided CEU's in Finance. Bond Counsel spoke at the meeting. They will be a sponsor for the 2013 Conferences and are selling raffles shares. Finally, the Middlesex County Clerk is working on an effort to have the voter list on CD, rather than provide the paper printouts.

Monmouth County: Reported that their mini-conference will be held on October 25, 2011. CEU's will be offered in Licensing and Finance. They will also discuss the sponsorship and raffles for 2013 with their Executive Board.

Morris County: No report.

Ocean County: Reported they will meet on October 28, 2011 and John Mitch will be the speaker.

Passaic County: Reported their next meeting will be with the County Clerk regarding elections.

Salem County: No report.

Somerset County (via e-mail): Somerset has been pretty quiet, with the exception of some flooded areas in Bound Brook, Manville and the North Branch section of Branchburg from Hurricane Irene.

Renee Fellin of Watchung retired on June 1 and Michelle DeRocco who was her Deputy was appointed Borough Clerk.

Sussex County (via e-mail): The Sussex County Municipal Clerks' Association held its Fall meeting on September 22, 2011 at the Hampton Township municipal building. Election update presentations were offered by Angela Theis from the Sussex County Clerk's Office, Sussex County Board of Elections Administrator Marge McCabe, and Sussex County Clerk Jeff Parrott. The afternoon session featured a presentation on the Budget Process/Tax Levy Cap Law by Certified Municipal Auditor Thomas Ferry, of Ferraioli, Wielkocz, Cerullo, & Cuva. CEU credit was earned by all who attended.

Union County: No report.

Warren County: No report.

President Kwasniewski announced the next meeting will be on Wednesday, November 16, 2011 at the League of Municipalities Conference at our annual Business Meeting.

Motion made by 2nd Vice President Nancy Saffos, properly seconded by Immediate Past President Vincent Buttiglieri to adjourn the meeting at 12:25 p.m. The motion carried unanimously.

**Respectfully submitted by Keith Kazmark
MCANJ Secretary (2011)**