



**A Day in the Life of a Municipal Clerk**

**Little Magic Office Fairies**

*By Michele Lynn Seigfried*

A DAY IN THE LIFE OF  
A MUNICIPAL CLERK  
BY MICHELLE LYNN  
SEIGFRIED



Page 1

It takes a certain personality to do the job of a municipal clerk. I would say most of us work hard and are dedicated, but don't brag about what we do. Like the Royal staff at Buckingham Palace, we blend into the background and get the job done unnoticed.

The problem is, there is always one of *those* people! You know them. All of us have encountered at least one during our careers. Those are the people who say you do nothing all day or constantly question what you've been doing at work. These are people who don't work in your office, never see what you do, and never ask. They may be members of the public. They may be elected officials. They may be your family members.

Many years ago, I was setting up a room for an election--moving tables and chairs. One of *those* people hunted me down and said, "Oh, you do this?" One thought ran through my head. "Nah, I don't do this. The little magic office fairies do this." Hence, those tiny mystical creatures were born.

Relatives of the Tooth Fairy, the Little Magic Office Fairies are beings from a fantasy world who mysteriously make things happen in the Clerk's office. Like when the meeting packets arrive to the elected officials on time. It must be the little magic office fairies that spent hours making that happen.

Those hundreds or thousands of OPRA requests--how do they get done? Yup, that's right. The little magic office fairies. Let me tell you, those mystical beings are talented. They write ordinances and resolutions. They are great listeners for complaining residents. They are incredible problem solvers! Records retention? Yup, they've got it covered.

There's more. Much, much more. They've taken the classes and gotten the certifications. With memories like elephants, they can spit out law numbers that no one else knows – NJSA 4, NJSA 47:1A-1.1. They can do a liquor license in their sleep. Raffles, bingos, taxis, landlords, contracts, redevelopment? No problem— with a wave of a wand and a sprinkle of magic pixie dust--poof! Done! They do it in minutes (no pun intended) with a smile on their face. They have an agenda (again, no pun here) to get the job done in a way that makes it look easy, when in reality, it's not. Marriages, EDRS, VIP, SVRS, elections, POs, dog licenses, personnel issues, budgets, volunteers. You name it, they do it. They are hard-working, dedicated, and responsible.

Oh, it doesn't stop there. They sometimes appear at your home. Like, when you have a day off. Then your family comes home and demands to know what you did all day besides lay on the couch. Considering the laundry is done, dinner is made, the kids are dressed, homework is complete, lunches are made for the next day, the toys are away, the dogs are fed, the rugs are vacuumed, the toilets sparkle, the dishes are clean, the bills are paid, the lawn is mowed, the letters are mailed, the pantry is filled, the car has gas, and you're just sitting on the couch, doing nothing. Yup, must have been those little magic fairies.

Whether you're at home or work, may you always remember that your fellow clerks are here to offer support—we know what you do all day and we know that the mystical, professional, intelligent, talented, magical, multi-tasking being is you! So take your magic wand, wave it at *those* people, and imagine them spewing honey out of their mouths using words like "Great job" and "Thank you for all you've done." Afterall, your hard work, sharp mind, and talents shouldn't go unnoticed, even if they mostly do.

PRESIDENT'S  
MESSAGE  
DIANE M  
PFLUGFELDER



Page 8

LUCY RAY SAMUELSEN,  
RMC/CMR/QPA  
CITY OF SOMERS POINT  
MCANJ SECRETARY  
CANDIDATE



Page 4

JOYCE L. LANIER, RMC  
CITY OF ORANGE MCANJ  
SECRETARY CANDIDATE



Page 5



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**EMAIL: [President@njclerks.org](mailto:President@njclerks.org)**

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EDITOR: Michele Bobrowski (908) 996-7071 ext. 210 E-mail: clerk@alexandrianj.gov  
PEOPLE PAGE: Pam Borek, Hillsborough Twp. (908) 369-4313 E-mail: pborek@hillsborough-nj.org  
ADVERTISING: Joel Popkin, MCANJ Executive Director (732) 609-6441 E-mail: joelpopkin@optonline.net  
DAY IN THE LIFE OF A MUN CLERK: Michele Seigfried, Robbinsville (609) 259-3600 Email: micheles@robbinsville.net

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**IIMC SPRING UPDATE:** Region II is getting stronger! The Region II Conference hosted in Atlantic City this past January was a great success. 89 Region II members registered. I was surprised at the miles traveled to attend this event;

Atlantic City, NJ	blocks
Milford, Delaware	152 miles
Liberty Township, NJ	159 miles
New Carrollton, MD	183 miles
Charlottesville, VA	307 miles
Pittsburg, PA	366 miles
Appomattox, VA	386 miles



That's true dedication for your self-improvement. That's putting a lot of miles under your certification.

A deep felt gratitude to those of you who donated to our give-back program, Cookies for the Troops, LLC. We collected \$75 that they will use toward their shipping costs for the 2020 inaugural Memorial Day Cookie Bake.

Another thank you shout out to the MCANJ Executive Board; Eileen Gore, Kim Marie White, Denise Cafone, Michele Bobrowski, Joel Popkin and my Deputy Municipal Clerk, Jenn Breslin, for the donation of 33 door prize items. Rather than a silent auction, we collected a variety of items and enjoyed giving back to you, the Region II members.

As of 21 February, there are 456 registered delegates and 24 guests for the IIMC conference in St Louis. A second hotel may be added in the near future. One of the pre-conference sessions, two Athenian leadership society dialogues and the morning off-site session are sold out. Register now!!

The IIMC Foundation is selling unisex cotton t-shirts for \$25. Order yours today through the IIMC conference registration form. They are also seeking new Board members. Visit IIMC Foundation website for details. Please consider acquiring your CMC and MMC certifications. You have already earned many of the qualifying points through your MCANJ activities and daily office functions. Don't be intimidated with the application process. Reach out and we can work together to make your CMC/MMC certification a reality – not just a dream!

Keep in touch with Region II by following us on Facebook. Enjoy the day, Diane

Municipal  
Clerks



CENTER FOR GOVERNMENT SERVICES  
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Certified Municipal Clerk Institute Master Municipal Clerk Academy

**Building Teamwork & Collaboration**

Teamwork is an integral skill in our personal and professional lives. This session will focus on team engagement and collaboration. Learn strategies to become a more effective team member and thrive in a team environment. Identify how you can address the challenges of team leadership and improve your effectiveness when managing teams. This seminar is approved for 1.5 points towards either a CMC or MMC designation. RMC Professional Development hours are pending approval.

MC-4032-SP20-1 Atlantic City Hard Rock Hotel & Conference Center

1000 Boardwalk

Room To Be Announced

Monday, April 27

12:00 p.m. - 3:00 p.m.

Instructor: Donna Conrad MS, SPHR - HR Consultant

\$150



## MCANJ SECRETARY CANDIDATE-LUCY SAMUELSEN, RMC, CMR, QPS CITY OF SOMERS POINT

I would like to introduce myself and tell you why I want to serve you on the Municipal Clerks' Association of New Jersey Executive Board as Secretary. My name is Lucy Ray Samuelson, and I am the City Clerk for Somers Point in Atlantic County. I have been employed by Federal, County and City governments for over 28 years. I served as the Confidential Aide to the County Clerk and was selected as Secretary of the Year for Atlantic County by the Federal Aviation Administration in 1983.



From 1994-2011, I was appointed as Deputy City Clerk and ultimately City Clerk/Registrar of Vital Statistics and Deputy Emergency Management Coordinator for the City of Port Republic. In 2011, I was selected as the Volunteer of the Year for Port Republic Municipal Alliance.

In 2011, I was appointed Deputy City Clerk for Somers Point and in 2016 and 2019 (receiving tenure), I was appointed City Clerk/Registrar of Vital Statistics. Also, I was appointed as Insurance Fund Commissioner for the past eight years. Additionally, I have the honor to volunteer as Secretary to the Veterans Advisory Board and sit on the Municipal Alliance Committee.

My experience serving as President, Vice-President and Secretary for numerous years for the Atlantic County Municipal Clerks' Association will be an asset to the Executive Board of the MCANJ.

Believing in the importance of education, I am working towards my CMC designation, and I am an Instructor for Rutgers University Continuing Studies for the Municipal Clerk Program. I teach Municipal Finance Administration for the Municipal Clerk and the Municipal Clerk Review course, which affords me the opportunity to keep my skills polished. Currently, I serve on the Municipal Clerks Educational Advisory Board in conjunction with Rutgers Center for Government Services and the MCANJ. For the past four years, I was appointed as an Advisory Board member for the MCANJ. I sincerely enjoy sharing my experience and knowledge to help out another Clerk. My current licenses are Registered Municipal Clerk, Certified Municipal Registrar and Qualified Purchasing Agent.

Thank you for your consideration to vote for me on Wednesday, April 29 between 10:30 a.m. and 12:20 p.m. during the Annual Business Meeting -Hard Rock Hotel & Casino in Atlantic City.

### MCANJ Retirement Gift

If you or someone from your County is planning on or has retired, please let your MCANJ County Representative know so that the Association can provide a retirement gift on behalf of the MCANJ. County Representatives should contact Denise Cafone Treasurer @ [Treasurer@NJClerks.org](mailto:Treasurer@NJClerks.org). Please be sure to include the individual's name as it should appear on the engraved gift along with an address where it can be mailed. The request will take approximately 3 to 4 weeks to process, so please ensure that you provide as much advance notice as possible so that it can be presented at a retirement party or last town meeting, etc.

## MCANJ SECRETARY CANDIDATE-JOYCE L. LANIER, RMC CITY OF ORANGE

Hello to my fellow Clerks up and down the great State of New Jersey from High Point to Cape May and all points in between!

I am Joyce L. Lanier, the Municipal Clerk of the City of Orange Township in Essex County.

I am a proud mother of two daughters, who are both currently attending college. My wonderful husband, Edmund, passed away several years ago leaving me with a lifetime of treasured memories.

I am a native New Jerseyan, born and raised in the Trenton area. I acquired, my Bachelors degree in Economics and Finance from Rutgers University - New Brunswick. In 2009, I obtained my Master's degree with Honors in Public Administration from Rutgers University - Newark as well as obtaining my RMC.

I have been the Clerk of Orange since May 2015 and find, as I'm sure most of you do, that every day on the job is a new challenge! As the Clerk of Orange, I have digitized City records dating back to 1860, introduced a paperless agenda management program as well as created a records management system citywide.

In 2000, I began my journey through municipal government in the Office of the Newark City Clerk, specifically the Records Management section. Prior to working in government, I spent approximately 10 years in the pharmaceutical industry in sales and marketing.

The passage of the New Jersey Open Public Records Act (OPRA) greatly expanded my duties while I was working for the City of Newark. I became the Supervisor of the OPRA section of the Clerk's office and was responsible for responding to such requests. In 2005, the Newark Clerk's office opened a four story, state of the art Archives and Record Management Center with 60,000 cubic feet of storage space; I was named its first Manager. As the Archives Manager, I oversaw the record retention citywide. As OPRA expanded, I became the Manager of the OPRA office with a staff of six employees. Due to budget restraint the Clerk's office acquired the responsibility of overseeing the Police Records Management Bureau. Essentially, I was the Manager of three sections within the Clerk's office. In 2008, I was fortunate enough to be presented with a PARIS (Public Archives and Records Infrastructure Support) award for Excellence by the New Jersey Secretary of State. Also, during that time, we were able to digitize our archival records dating back to the year 1836.

In addition to being the Municipal Clerk of Orange, I also serve as the Secretary of the Orange Historic Preservation Commission, a member of the Essex County Mental Health Advisory Board, a member of the International Institute of Municipal Clerks and I previously served as President of the Essex County Municipal Clerks Association.

My career in government has been most fulfilling and satisfying. I immensely enjoy the time spent with my fellow Clerks and I look forward to making even more positive contributions through my activities with the New Jersey Municipal Clerks Association.

My deepest thanks for your time and consideration of me to become Secretary of NJMCA. Have a great day!



### SOCIAL MEDIA



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## PEOPLE PAGE



The People Page is an opportunity for the members of our Association to celebrate each other's achievements both professionally and personally, as well as to share our condolences during times of sorrow. Additionally, when we as clerks have an opportunity to participate in community events that are afforded to us as a result of our position, it is another example of something to share on the People's Page. Please feel free to share. Send your submissions to [pborek@hillsborough-nj.org](mailto:pborek@hillsborough-nj.org), along with a picture and caption to be included in future editions of the Quill.

### SOMERSET COUNTY:

Condolences to the Family and Friends of retired Raritan Borough Clerk Louise Salerno who passed away February 14, 2020

### ESSEX COUNTY:

Condolences to the Family and Friends of former Maplewood Municipal Clerk (1983-1988) Robert Gist on his passing on February 23, 2020

### HUNTERDON COUNTY:



Leona V. Burton former Lebanon Borough Clerk, age 96 passed away on March 10, 2020. Leona served as Clerk from 1970 to 1993.



Condolences to the Family and Friends of retired Bethlehem Township Clerk Doris Langan, who served the Township for approximately 25 years until her retirement in 1998.

Hunterdon County Clerk Mary Melfi sworn in the new officers, Lia Burd, Bloomsbury Clerk, as Treasurer; Judy Bass, Glen Gardner Clerk as Secretary, Cynthia Ege, Clerk of Lambertville as Vice President and Cecilia Covino of Clinton Town, President.



Congratulations to Watchung Borough Clerk Michelle DeRocco on her retirement effective May 1, 2020!



Congratulations to Glen Ridge Borough Clerk and Administrator Michael Rohal on his Retirement!

### CAPE MAY COUNTY:

Congratulations to Sea Isle City Clerk Shannon Romano on becoming 2020 Secretary of the Cape May League of Municipalities:



### MIDDLESEX COUNTY:

Congratulations to Jessica Morelos who has taken over as Sayreville Borough Clerk, following the January 1, 2020 retirement of Terry Farbaniec .

Congratulations to Terry Farbaniec on your retirement from Sayreville Borough!!

### PASSAIC COUNTY:

Congratulations to Erin Delaney on her appointment as Prospect Park Borough Clerk.

Congratulations to Bill Senande who will join West Milford Township on February 3, 2020 in the dual roles of Township Clerk and Administrator!

### HUDSON COUNTY:

Congratulations to Jersey City Clerk Robert Byrne on his retirement and to Sean J. Gallagher on his appointment as Jersey City Clerk.



Condolences to the Family and Friends of former Woodbridge Township Clerk Phil Cerra on his passing.

Continued on Page 11



## PRESIDENT'S MESSAGE FROM DIANE M. PFLUGFELDER



Welcome Spring 2020!

Question: Can the Municipal Clerk be compared to a duck? The duck appears so calm, cool and collected as it glides across Mountain Lake. The rain just rolls off its back. Yet under the water we cannot see the speed and strength of its legs to propel it around. We cannot see its mind multi-tasking as it scans the area for food and predators. Can the Municipal Clerk be compared to a duck?

Have you registered for the MCANJ Annual Education Conference? Don't delay any longer. The sessions will cover all RMC CEU categories, CMC/MMC credits plus give you multiple opportunities for networking. We promised you a conference like no other, and so it shall be. Tuesday morning begins with a Parade of County Flags. Sessions will be interactive and rewarding to those attendees. MCANJ had to secure special permission from Hard Rock Hotel/Casino for animals...be prepared!

Something else new for our conference will be Cookies for The Troops, a MCANJgive-back program. Cash or check donations can be placed in the cookie jar located on the registration desk. These funds contribute to the shipping costs to get cookies to our deployed military members overseas. You can also participate in the give-back program by donating toiletries. See that shampoo, soaps, lotions, etc in your hotel room that you are not using? Bring them on down to the registration desk and place them within our donation box. Everyone can participate and give back to those who are serving our Country. Thank you.

MCANJ Member Spotlight recipient – Feb 2020. We recognized Michelle DeRocco, Watchung, Somerset County for her dedication to Somerset County Municipal Clerks Association; Pop Warner Cheerleading; Municipal Alliance Volunteer of the Year for Watchung; and being a strong network anchor for new Municipal Clerks in Somerset County. Thank you Pam Borek for nominating Michelle.

FAST (Financial Automation System Tracking) is out there somewhere. MCANJ coordinated multi-county education sessions to advise us of the Municipal Clerk's role within FAST. I have been advised that effective Friday, 28 February 2020 that everyone has to download their budget information in the system. Whenever we get the green light from the New Jersey Department of Treasury, the sessions and locations will be announced.

On Wednesday, 19 February Governor Murphy proposed new ethics rules bringing transparency to Trenton. The Governor's proposal would eliminate a limited legislative exemption from OPRA. Legislature may be forced to disclose records related to spending and some administrative business. Communication and draft bills between lobbyist and their own staff would be a disclosable public record. Communication between a lobbyist and a legislative staff members is not a public record, thus not a disclosable record. Anticipate legislative resistance but also know that OPRA awareness is expanding.

The Executive Board continues to research companies and software to upgrade your MCANJ membership benefits. In 2019 we announced the intention of providing each member with a passcode for MCANJ website access and opportunities to retrieve member privileged information. The research continues.

“An investment in knowledge always pays the best interest”. Benjamin Franklin

*Enjoy the day, Diane*

“Team **MCANJ**”



**1st Vice President Eileen Gore-Hamilton Township/Mercer County**

**EMAIL: [1vicepresident@njclerks.org](mailto:1vicepresident@njclerks.org)**



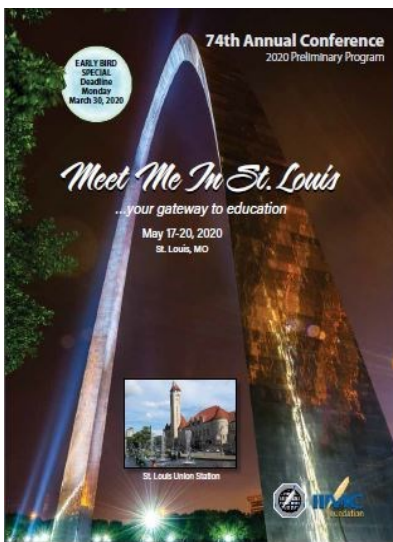


## 74TH ANNUAL CONFERENCE • MAY 17 - MAY 20, 2020

### St. Louis Welcomes the 2020 IIMC Annual Conference

St. Louis is full of unique attractions, exceptional music, arts, and cultural institutions, and enough stores and specialty shops to keep any shopper happy. Experience Forest Park, home to world-class attractions like the Saint Louis Art Museum, Saint Louis Zoo, Saint Louis Science Center and the Missouri History Museum. Take a stroll through the Missouri Botanical Garden, or take a tour of the Anheuser-Busch brewery, Old Courthouse and the Gateway Arch.

As of Friday, February 28th, over 507 delegates and 24 guests have registered. Don't forget to register!! Visit [www.iimc.com](http://www.iimc.com) for more information. POINTS FOR ATTENDING 2020 IIMC CONFERENCE Attending all 16 hours of Education (Monday through Wednesday) in St. Louis, Missouri will earn you EIGHT CMC EDUCATION or EXPERIENCE points, or EIGHT MMC ADVANCED EDUCATION or PROFESSIONAL and SOCIAL CONTRIBUTION points.



### WANTED: SILENT AUCTION ITEMS FOR THE MCANJ CONFERENCE IN APRIL



Silent auction items may be donated by your county association, vendors or individuals. All silent auction and merchandise sale profits support the MCANJ Scholarship Fund. To donate an item contact: Laura Borchers/Borough of Norwood-Phone: (201) 784-2965 or email: [lborchers@norwoodboro.org](mailto:lborchers@norwoodboro.org) or Susan Jackson/Metuchen Borough-Phone: (732) 632-8508 or email: [sjackson@metuchen.com](mailto:sjackson@metuchen.com).

### RENT-A-CLERK PROGRAM

If you have recently retired, or know of someone who has, and you/they want to get back into the profession please contact Elaine Kennedy ([ebeverly@comcast.net](mailto:ebeverly@comcast.net)). We have a listing of available individuals to assist with fulfilling short and long term municipal clerk positions.



### IIMC REGION II Congratulations to:

Jodi McKinney of Delaware Township and Teri Giercyk of Manchester Township for earning their CMC's !

Welcome the newest IIMC's members: Kelly Lettera of East Windsor and Jenny Gleghorn of Tuckerton, NJ!





Cookies for the Troops LLC is a non-profit organization dedicated to showing gratitude to our service men and women by sending out packages of baked good and treats to deployed troops and Veteran's hospitals during the holiday season. The organization was founded a Marine mom who wanted to send Christmas care packages to troops who couldn't make it home for the holidays.

The organization members are a local group of family members and friends of service men and women, who get together at least once a year to have an all-day cookie bake. Throughout the year, the CFTT board members and volunteer collect donations to put towards baking supplies and ingredients, holiday decorations, snacks, small gifts, as well toiletries, small games and cards, undergarments and more as well as boxes and postage (to ship all the package) to prepare for the annual CFTT Cookie Bake. In late November, we hold the cookie bake and spend the day baking over 3,000 cookies and then packaging them up with lots of other goodies.

While we get to enjoy our holidays at home safely with family, we dedicate the entire Cookie Bake day from 8 am until about 8 pm to our heroes who won't be able to be home with their families this holiday season. It's our way to say thank you to them for serving our country and making the sacrifices they do to keep our country safe and free. Our hope is that when they receive the package, they get a small taste of home a few moments of joy and cheer.

On top of the cookies and goodies, we also reach out to local schools to have students make holiday and thank you cards to include in the packages. It really brightens their spirits to be remembered by people at home.

We hope to grow our organization in 2020 to do a Memorial Day Cookie Bake in addition to the holiday bake.



**If you would like to donate**, have a hero deployed for the holiday who you's like to receive a package, or have questions, please contact Taylor or Stephen at (908) 509-4357 or [cookiesforthetroopsUSA@gmail.com](mailto:cookiesforthetroopsUSA@gmail.com).

Find us on Facebook @CookiesForTheTroops for updates year round.

*Any items that we receive and are not able to ship are given to Veteran's hospitals in the area and the local Rolling Thunder-Chapter 3 group, who donate follow-up packages with more holiday goodies.*

*Cookies For the Troops LLC is a 501C(3) non-profit organization.  
Donations may be considered a tax deduction.*

## PEOPLE PAGE-CONTINUED

### BERGEN COUNTY:

Wanda A. Worner former Municipal Clerk of the Borough of North Vale from 1990-1992 passed away on February 2, 2020.



Congratulations to Jim Dray, son of retired Borough Clerk Carol Dray on his appointment as an Assistant Coach with the Arizona Cardinals!!!



Longtime Upper Saddle River Borough Clerk Rose Vido Caporuscio passes. Rose became the Clerk in 1998 and worked for the Borough for the last 21 years.

### OCEAN COUNTY:

Congratulations to Janet Mutter on her appointment as Point Pleasant Beach Deputy Municipal Clerk and Deputy Registrar for 2020!

### SUSSEX COUNTY:

Congratulations to Marcy Gianattasio who was appointed Monday by the Township Council as Vernon Municipal Clerk by a 5-0 vote for a three-year term, as required by state law, with a start date of Dec. 26th! The appointment also comes with the dual title of Registrar of Vital Statistics.

### MORRIS COUNTY:



Good Luck to Denville Municipal Clerk Kathryn Bowditch-Leon, who will be resigning from her position and moving to Long Island, and Congratulations to Tara M. Pettoni, who was named Municipal Clerk effective Jan. 1, 2020!

The Dover Board of Aldermen appointed John Schmidt as part-time Acting Town Clerk and Carlos Sanchez as the Town Administrator after the resignation of Town Clerk Tara Pettoni and Administrator Bill Reyes.

### MONMOUTH COUNTY:

Congratulations to Penny Woolman on her retirement as Howell Township Clerk; and Congratulations to Allison Ciranni on her appointment as the next Howell Township Clerk!

Cindy A. Dye of Asbury Park passed away on March 10, 2020 . Deepest sympathy to her family and friends.



### GLOUCESTER COUNTY:



Condolences to the Family and Friends of National Park Borough Clerk/Administrator Joshua Pitts on his recent passing on January 24, 2020.

### UNION COUNTY:



Congratulations to Fanwood Borough Clerk/Administrator Eleanor McGovern on her Retirement!

Condolences to the Family and Friends of retired Plainfield City Clerk Laddie Wyatt who passed away on January 18, 2020.



2nd Vice President Kim Marie White-Eastampton Township/Burlington County

EMAIL: [2vicepresident@njclerks.org](mailto:2vicepresident@njclerks.org)

## SHOULD WE RE-THINK CERTAIN FIRST AMENDMENT PROTECTIONS

By Richard A. Lustgarten, Esq.

Despite the broad context of the First Amendment, that Congress shall make no law abridging the freedom of speech, with appropriate analogues in State constitutions, we know that freedom of speech is not absolute. Protections relating to free speech do not cover a host of activities. For example, obscenity, fraud, child pornography, speech as part of criminal activity, intellectual property protection, certain types of threats, speech that creates a “clear and present danger” (shouting fire in the movie theater), and some commercial speech are not accorded First Amendment protection. These exceptions are consistent with a statement that was made by Justice Oliver Wendell Holmes, Jr. over a hundred years ago that the life of the law is not logic but experience.

In other words, adhering to the First Amendment language of “no abridgement” may be logical but societal experience shows that restrictions on certain types of speech are required to foster and meet other societal interests. Under current formulation, time, manner and place restrictions may be upheld if they are content neutral. An example of this would be limited zoning restrictions that relate to signs as to their structure and placement for safety purposes and not for the message contained on them. Another example is limiting the time that one can speak at a public meeting so that the business of the Council can proceed without undue interruption.

Starting with the assumption that Court’s favor robust public debate and a free expression of ideas, especially relating to governmental and political matters, how far can “speech protection” be asserted when other rights come into play.

Here’s a hypothetical that is troubling. Suppose Mr. Jones is under consideration for an appointment for a municipal clerk’s position. Several years before, he was involved in a nasty divorce proceeding. Mrs. Jones filed for divorce alleging extreme cruelty as her cause of action. Despite the draconian language, extreme cruelty complaints usually recite allegations of neglect, hurt feelings and antisocial behavior. In Mrs. Jones case, she asserted, and certified as true, that Mr. Jones stayed out late, didn’t timely pay bills, cursed on occasion, refused to participate in household chores, drank a lot and called her derogatory names. After the parties ultimately settled their case, when they went to court, she amended her complaint for a cause of action of either 18 month separation or irreconcilable differences which requires an assertion that the differences have lasted for 6 months. The allegations of extreme cruelty were dismissed and therefore never adjudicated in Court.

At the discussion relating to Mr. Jones appointment, a councilmember who is not in favor of his appointment, pulls out a copy of the complaint, which of course is a public record, and proceeds to read all of the complaints made against him. When other members object, the councilmember asserts the he/she has a first amendment right and an elected duty to put this information “in the record” and in addition, since the complaint was certified as true (as required by Court Rules), the Council should accept the allegations as true. The councilmember says that Mr. Jones should be disqualified from consideration. Absent the council’s willingness to conduct a “mini- trial” concerning the allegations, Mr. Jones is at a loss to protect his reputation other than to give a blank denial to the assertions. Additionally, if he is appointed anyway, how does he protect himself if the councilmember reads the complaint at the time the resolution of appointment is up for consideration. In my opinion, this hypothetical is an example of the First Amendment being weaponized for perhaps political or other reasons. Where is the balance between the councilmember’s asserted right of speech and Mr. Jones ability to protect his reputation? Are societal needs advanced in this scenario as the assertion of First Amendment rights must supersede Mr. Jones reputational rights? Will the unfettered use of a document like the complaint deter otherwise qualified individuals from applying for public positions because they also may have something “on record”, be it a court proceeding or some ill-advised statement on social media. I think this is an evolving problem that needs to be discussed. With the rapid advancement and proliferation of social media sites, the ability of individuals to post damaging, if not outright false statements about others, either for political, competitive, or just plain nasty reasons, will continue to be problematic. While there is pressure for these sites to self police, they also don’t want to be accused of censorship and they might not have the resources to fact check every complaint made concerning postings.

The other area that will test the limits of free speech assertion is, of course, in the political election arena. Regardless of your political affiliation, I think most of us can agree that political discourse has become uncivil. False and unkind personal attacks on opponents have become so prevalent that we now accept them as the “new normal”. Some may argue that these kinds of attacks have always existed and there is probably some truth in that. However, the volume and viciousness has exponentially increased and for the most part, if carefully phrased, carries with it First Amendment insularity. For example, if I assert an opinion rather than stating that something is a fact, I am more than likely protected from a libel or slander suit. **Continued on Page 16**



Immediate Past President Kevin Galland-Woodland Park Borough/Passaic County

EMAIL: [ImmediatePastPresident@njclerks.org](mailto:ImmediatePastPresident@njclerks.org)



## MCANJ MEMBERS: IMPORTANT ITEM FOR VOTE AT THE ANNUAL MEETING ON APRIL 29th REGARDING SOP MANUAL CHANGES 2019/2020



As per Article V – Amendments, Section 1. Procedure

Amendment to this Constitution and Bylaws may be adopted at the Annual or any Special Meeting duly called, by a two-thirds vote of the members present, provided notice of such amendment was given to the members at least two weeks prior to the meeting at which such action is to take place.

At the 17 January 2020 meeting of the MCANJ Executive Board, it was agreed to forward the following suggestions to the members of the Constitution and Bylaws Committee for their review and recommendation on the consolidation of the following committees;

1). Legislative Committee for Laws Pertaining to the Municipal Clerk Profession with the Records Committee.

This new Committee title: Legislative Committee for Laws Pertaining to the Municipal Clerk Profession

This new Committee would have the following responsibilities;

- Shall monitor and review all proposed legislation that may directly affect the Municipal Clerk's Profession
- Shall review pertinent decisions of the Government Records Council regarding the Municipal Clerk's responsibility in complying with the Open Public Records Act and amendments and supplements subsequently enacted thereto, and report back to the Executive Board with their findings and recommendations on a regular basis.
- Shall offer practical recommendations to the Executive board regarding problems that have been encountered or other foreseeable problems that may be expected in order for Municipal Clerks to comply with OPRA, as well as any pertinent issues dealing with records management.
- One Committee member shall be identified as the MCANJ representative to the Government Records Council

2). Fundraising with the Raffles Committee.

This new Committee title: Fundraising

This new Committee would have the following responsibilities;

- Shall plan and implement fundraising programs for the benefit of the MCANJ.
- Shall conduct appropriate 50/50 events, as determined by the Executive Board.
- One Committee member shall be identified as the Raffle representative to LGCCC
- At the transition meeting of each year, the Executive Board will determine where the proceeds from the raffles should be directed– ***Continued on Page 15***

LEGAL DEFENSE FUND SEMINAR-HILTON GARDEN INN, HAMILTON,NJ HELD ON JANUARY 15th  
Over 75 attendees were present and earned CEU's in Ethics and CMC/MMC Credit.



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**MCANJ MEMBERS: IMPORTANT ITEM FOR VOTE AT THE ANNUAL MEETING ON APRIL 29th REGARDING SOP MANUAL CHANGES 2019/2020**



- By vote of the executive Board, the MCANJ may advance funds to this Committee for fundraising activities with reimbursement to the MCANJ Treasury from the fundraising proceeds, with primary consideration given to the Legal Defense Fund and the Scholarship Fund.

3). Education with Professional Development/Mini Conference Committee

This new Committee title: Professional Development/Mini Conference Committee

This new Committee would have the following responsibilities;

- In cooperation with Rutgers shall provide education opportunities required to achieve the certification and recertification of Registered Municipal Clerks.
- One Committee member shall work in conjunction with the conference committee in preparation of the education program for the Annual Education Conference.
- Shall prepare and implement programs addressing the managerial and administrative skills necessary to meet the professional image of Municipal Clerks

Please be aware that this SOP Amendment proposal shall be discussed and voted upon at the Annual Meeting scheduled to be held Wednesday, 29 April 2020, at approximately 10:30 am within the Hard Rock Hotel/Casino, Atlantic City, NJ.

Thank you for your time and consideration on the review of this material prior to the scheduled meeting.

*Enjoy the day, Diane*



The MCANJ will have a cookie jar at the registration table of the conference supporting this organization. For more information on this wonderful cause, see the flyer on Page 10. Please donate for our troops!

MCANJ Annual Education Conference  
will be held  
April 27th-30th at the  
Hard Rock in Atlantic City  
Registration ends April 10th  
"Team MCANJ"



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**MCANJ CONFERENCE COMMITTEE HARD AT WORK PLANNING ANOTHER SUCCEFUL CONFERENCE FOR 2020!**



**Treasurer Denise Cafone-Fairfield Township/Essex County**

**EMAIL: [treasurer@njclerks.org](mailto:treasurer@njclerks.org)**



## SHOULD WE RE-THINK CERTAIN FIRST AMENDMENT PROTECTIONS-Continued from Page 12

By Richard A. Lustgarten, Esq.

In my opinion, certain allegations made against Mr. Jones are troubling. I don't know if they are true but if they are, they should be explored further." The damnation of innuendo, accompanied by a denial. And I believe this is only a mild example.

I have thought of one type of solution to election rhetoric that may be beyond First Amendment protection. This approach is driven by the Holmesian "necessity of experience over logic". While I am generally a staunch free speech advocate, I believe political statements have gotten so far out of hand that they unfairly damage or destroy candidates and their families, and that there has to be a deterrent effect to reign them in without unduly restricting protected speech.

I would propose that if a candidate knowingly utters or issues a demonstrably false statement about an opponent, he/she shall suffer the following consequences if proven beyond a reasonable doubt. First, such utterance etc shall be a crime of the fourth degree. (Maximum penalty-up to 18 months imprisonment/\$10000 fine.) It would be an absolute defense to this charge if it is shown that the alleged violator based the utterance(s) on facts or circumstances that a reasonable person would believe to be true.

Secondly, a losing candidate could sue the winning candidate civilly, on the basis that the false utterances caused the loss of the election. The standard of proof would be clear and convincing evidence which is a higher standard than that of preponderance of the evidence. The plaintiff would have to prove that the utterance was not only false but directly affected the outcome of the election—a high burden.

If the plaintiff losing candidate prevailed, the defendant winner is not certified and the next highest vote getter would be deemed the winner of the position. (Presumably this is the plaintiff losing candidate, but if there were other losing candidates only the next highest vote getter is certified. ) There would have to be expedited court proceedings at the trial and appellate level so that the ultimate winner of the position is determined in a timely manner.

Additionally, to deter frivolous law suits by losing candidates, if the winning candidate prevails in Court, the losing candidate would have to pay his/her opponents legal fees at a rate of three times the amount incurred or, say, \$5000 whichever is greater. These penalties should keep losing candidates from suing except in the clearest of circumstances. Obviously these procedures need to be refined and this is only an initial suggestion. I know that these are radical ideas. The mere thought of criminalizing political speech will be anathema to a good number of people. (In the past probably me as well.) But because of societal needs and Holmes' experience observation, I think it's time to re-think the balance of free speech versus fair and honest elections, both of which are the foundation of a free democratic republic. As an example of evolving First Amendment considerations to meet a different societal need, when it was determined that the danger of terroristic threats ( clearly a form of speech) was not worth First Amendment protection, New Jersey made them a third degree crime. (3-5 years, \$75,000.00 fine) .Finally, I would not advocate other restrictions on free speech, even in the political context, as I believe the values enshrined in the First Amendment should be preserved to the most expansive degree possible. But I also believe something should be done until our country returns to a more civil and non-accusatory time, when campaigns are run on facts and issues rather than on falsehoods and outrageous personal attacks. I know there are those who will disagree about this and that is okay with me. That's what the First Amendment is all about.

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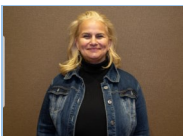
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Region II IIMC Conference Highlights  
2020: Today's Vision, Tomorrows Reality  
Resorts Casino-Atlantic City  
January 27<sup>th</sup>-30<sup>th</sup>



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# MCANJ CONFERENCE ELECTION RULES FOR MCANJ SECRETARY CANDIDATE ELECTION

## As per MCANJ Constitution:

### Section 2. Elections

1. If only one candidate has filed for the position of Secretary, then such candidate may be elected to office by means of a motion duly adopted at the Annual Business Meeting.

2. A contested election for the office of Secretary shall be held by printed ballot listing the names of the nominees. There shall be no nominations from the floor, nor shall write-in votes be counted.

3. The election shall be presided over by the officers and such other members as the President deems necessary. A plurality of the votes cast shall be required to elect.

In the event of a tie, the two nominees receiving the highest number of votes shall be selected by lot drawn by the President, if he or she is present; or the First Vice-President, if present; or the Chair of the Annual Business Meeting.

The positions on the Executive Board of the MCANJ shall be filled in accordance with the Association's Constitution, Article VI. When more than one candidate has been qualified to seek a position on the Executive Board, an election for such office shall be held.

The Executive Board shall follow the procedures outlined below to facilitate the election process, to preserve the integrity of the election process and to endeavor to reduce the disruption of the on-going Annual Meeting.

When required, an election shall be held during the Annual Business Meeting.

1. The Executive Director shall attempt to arrange for electronic voting machines to be delivered to the place where the election is to be conducted on the date of said election.

2. The Executive Board shall not be directly involved with the election process, other than direction as deemed necessary by the Presiding Officer or Program Chair.

3. The President of MCANJ shall:

a. Appoint an Election Credentials Committee which shall consist of: One (1) Chair, who shall be a Municipal Clerk who is a member of MCANJ and not from the County of any of the candidates standing for election; and

b. Two (2) members, who shall be Municipal Clerks who are, qualified members of MCANJ.

c. Appoint one (1) member of MCANJ to call the Counties in succession for the orderly conduct of the election.

d. Appoint one (1) Challenger for each candidate to represent the interests of the Candidate during the election process. It shall be the responsibility of the President to contact each qualified candidate by September 15th to request the name of that candidate's Challenger.

e. Explain the voting procedure to be followed, introduce the candidates and commence the election process.

4. The Credentials Committee shall:

a. Remove the tally sheets from the machines

b. Count the votes with the Challengers present

c. Determine the winner of the election

d. The Chair shall announce the winner at the direction of the President or Program Chair



**Executive Director Joel Popkin-Email: [executivedirector@njclerks.org](mailto:executivedirector@njclerks.org)**

## MCANJ CONFERENCE ELECTION RULES FOR MCANJ SECRETARY CANDIDATE ELECTION

5. The Treasurer of MCANJ shall provide, in triplicate, a list of paid members of the MCANJ by County for use by the Credentials Committee to verify eligibility of each MCANJ member to vote.

6. Only one (1) paid member from each municipality shall be issued a ballot by the Credentials Committee. A paid member's deputy shall present a signed letter from the Municipal Clerk authorizing the deputy to represent the municipality, for the purpose of casting a vote, in the absence of the municipal clerk.

7. Voting eligibility requirements for the annual election should be posted in the Quill. This should be the responsibility of the Quill Editor.

8. The required tables, chairs, booths, lines, etc. shall be positioned in such a manner so as not to disrupt the ongoing program.

9. A TIE VOTE shall be determined by drawing of lots by the President or Presiding Officer at the Annual Business Meeting.

If there is more than one (1) candidate for the office of MCANJ Secretary, an election is held at the Annual Business Meeting. After the election is held, the winner of the election will be announced at the Annual Business Meeting without the number of votes received by each candidate being announced.

Prior to leaving the Annual Business Meeting, each candidate for MCANJ Secretary may individually ask the Election Chair for the total number of votes received by all candidates in the election.

The results of the election, along with the election ballots, shall be given to the President of MCANJ at the end of the Annual Business Meeting by the Election Chair.

The President of MCANJ shall report the results of the election, with the actual number of votes received by each candidate, at the Transition Meeting and this information shall be recorded in the official minutes of the Transition Meeting.

The ballots from the election at the Annual Business Meeting shall be destroyed by the President of MCANJ once the minutes of the Transition Meeting are approved at the first Executive Board Meeting held thereafter.

The tally of any election will be provided to anyone who requests it.

### MCANJ, INC. MEMBERSHIP SUMMARY (REPORTED 2/26/2020)

CATEGORY	TOTAL
Associate - Deputy County Clerk	1
Full - Municipal Clerk	464
Affiliate - All Others	31
Associate - Deputy Municipal Clerk	196
Associate - Assistant Municipal Clerk	20
Full - County Clerk	2
Honorary Membership (Retired)	45
Full - Clerk of Freeholder Board	2
Full - Acting Municipal Clerk	20
<b>GRAND TOTAL</b>	<b>781</b>



the *Quill*  
Editor - Michele Bobrowski  
88 Inskip Avenue  
Ocean Grove, NJ 07756



#### **DEADLINES FOR NEWSLETTER ITEMS**

The deadline for People Page submissions for the July 2020 issue is June 2 ,2020. 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](mailto:pborek@hillsborough-nj.org)

The General News Articles deadline is June 9, 2020, and may be sent to:

Michele Bobrowski, Alexandria Township. 242 Little York-Mt. Pleasant Rd. Milford, NJ 08848 or via email to:  
[clerk@alexandrianj.gov](mailto:clerk@alexandrianj.gov)

Questions or comments regarding this or any issue of *The Quill* may be directed to the  
Editor, Michele Bobrowski,  
by calling (908) 996-7071 ext. 210 or using the contact information shown above.

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