

THE BULLETI

Volume 61, Issue #1

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www.nysclerks.com	The thing



President's Message Patrick Farrell, President

As we read about the passing of the 4th "On Time" New York State Budget, we continue to see the importance and success of local governments. The Governor continues to encourage all governments to stay under the New York State Tax Cap which is what local governments have been doing for years. This is evident with the NYS "Consolidation Law" that was proposed in 2009 and ad-

opted in 2010, prompting 24 Village votes with only 3 apa dissolution (Altmar, Lyons, Keeseville). I believe only 3 approved olution because the residents realized that their local governments ing taxes down with their "hands on" approach in solving local isnsolidating services where possible and most importantly solving lickly and efficiently when they arise.

V York State Association along with our Regional Clerk Associations part of keeping local governments alive and well as we continue ideas and resources through our Annual Fall Training school and Regional Clerk meetings and seminars throughout the year. I had sure of attending the Westchester Clerk Association meeting this rch 25th where they had an informative presentation from the NYS Commission. I thank President Christine Dennett and her Associatheir hospitality and I look forward to visiting other Regional Asns around the State throughout the year.

e Association continues to promote a "Mentoring" program for those hat need additional help and resources with any local issues they are with so they can solve them quickly and expeditiously. If you need e or know of any Clerks that can take advantage of our "Mentoring" and network, please feel free to contact me at 516-482-4411 so we

ar we will be a challenge in finding new "consolidation" programs nue to help hold down taxes and meet the new guidelines set up by k State. This will be a topic of discussion at the following three up-Training Schools and Conferences:

M Annual Meeting being held at the Gideon Putnam Hotel in Sara-May 4 - 6th,

ll Clerks Institute and Academy scheduled for July 13-17,

nt's Message con't on page 3)

that lies at the foundation of positive change, the way I see it, is service to a nan being.

- Lee Iacocca



Editor's Message James R. Koury, Bulletin Editor

Welcome to the first issue of The Bulletin for 2014. My apologies for being late, but things have been rather hectic and topsy turvy in my life lately, so you'll need to cut the editor some slack this time! The next issue will be much more timely... I promise. HA.

As many of you know I have left municipal service and am no longer the City Clerk in Oneonta as of last July.

What you may not know is that I have started working with Camden Group as its new Director of Municipal Planning. I am getting back into my Urban Planning background doing grant applications and comprehensive planning, among many other things, for Camden Group. I will see many of you at upcoming trainings! It will be good to see many of you again albeit in a different capacity.

This very long and COLD winter appears to be finally waning. Spring has sprung, the grass is getting green and it is getting warmer, despite the brush of snow we recently had. Mother Nature's cruel tricks!

This issue of The Bulletin has a lot of great information as usual. The big event coming up that you don't want to miss is the deadline for submitting your scholarship application to attend the CMCI to be held July 13-17 at Cornell University in Ithaca, NY. The first five applications received will be eligible for full scholarship. What better scholarship than a totally FREE one. Get those applications in. The amount of the scholarship for the remaining applications will be dependent upon the number of applications received.

The IIMC conference is also coming up in May in Milwaukee, Wisconsin. If you have never attended an IIMC Conference you certainly should consider it. It is a most worthwhile event and a great educational and networking experience. If you have not received an information packet from IIMC, you should go to the IIMC website and get the packet.

In this issue is also an update about the 2015 conference to be held in Hartford, CT. It should prove to be a wonderful event and it's right in our back yard! It will be a great opportunity to attend an IIMC conference since it is so close to home.

Additionally, for all you golfers, there is an opportunity to support the conference by playing in the 1st annual Town Clerks Tournament. The tournament will be held on June 30, 2014. More details about the event can be found on page 11.

See you all soon enough. Enjoy your spring!

2013 - 2014 NYSACVC Officers

President: Patrick Farrell, CMC/RMC Village of Lake Success (516) 482-4411, vlsadmin@optonline.com

1st Vice President: Micheal Stegmeier, CMC Village of Lancaster (315) 245-0560, mstegmeier@lancastervillage.org

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Director: VACANT

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Secretary: Kathie Montigelli, CMC/RMC Village of Black River (315) 773-5721, villofbr@gisco.net

- Immediate Past President: Tamara Bonomo Village of Camden (716) 542-9636, camdengov@yahoo.com
- Association Counsel: Shawn Cullinance Village of Lindenhurst (631) 957-7504, voladmin@optonline.net

The Executive Committee wants to hear from you! Let us know what your thoughts are about our Association and things it can do for you to make you a better clerk!

President's Message (Con't from page 1)

(NYSACVC is offering 5 full paid scholarships to first time attendees and partial scholarship for 2nd and 3rd year attendees).

• NYCOM Fall Training School being held in at the Crowne Plaza in Lake Placid NY from September 15-18.

Please take advantage of the NYSACVC Scholarships for the 3 year Cornell Clerks Institute, it is a rewarding experience.

In addition to these exciting Conferences, New York State (which is member of Region I of the International Institute of Municipal Clerks) will be a co-host of the 2015 IIMC Annual Conference scheduled for May 17 – 20, 2015 in Hartford, CT, (home of the Men and Women's 2014 College Basketball Championship teams the "Huskies"....for a second time, an achievement no other College or University has achieved!) The last IIMC Annual Conferences held in Region I were Buffalo (1987), Boston (1986) and New York City (1978). Hartford will be a great location allowing our attendees to enjoy both New York City and Boston with side trips before, during and after the Conference.

In an effort to raise money, Region I is planning the First Annual Region I Clerks Golf Tournament on June 30, 2014 at the Timberlin Golf Club in Berlin, CT. All golfers and sponsors interested in supporting this Golf outing, please contact Kate Wall at 860-828-7036. We are also planning a few New York State Events to help raise money. All ideas and sponsors are welcome and encouraged to contact myself or our Region I Director Shawn Cullinane at 631-957-7504.

Register for the CMCI July 13-17, 2014

Scholarships Available too!

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Hartford, CT: Update on 2015 Annual Conference

By John Bazzano, Host Clerk and Co-Chair Kate Wall, MMC

A few updates for the IIMC Conference in Hartford 2015.

We did create a Committee made up of different representatives from each of the Region 1 states – NY does have two representatives since that state has Town and Villages Associations – CT also has two (John and myself) since CT will be the host state. The other four states each have one representative (VT, ME, MA and RI). Please contact your state representative if you are interested in becoming involved.

The following is information on the Representatives:.

Representatives from the Region

CT John Bazzano 550 Main Street Hartford CT 06103-2992 BAZZJ001@hartford.gov Phone 860-757-9755 860-722-8041 Fax 860-757-9755 Cell Kate Wall 240 Kensington Road Berlin CT 06037 kwall@town.berlin.ct.us Phone 860-828-7075 Fax 860-828-8628 Cell 203-213-1773

ME Patty Brochu 265 Main Street Old Town ME 04461 pbrochu@old-town.org Phone 207-827-3980 Ext 105 Fax 207-827-3979

MA Joe Powers One John F. Kennedy Memorial Drive Braintree MA 02184 jpowers@braintreema.gov Phone 781-794-8240 Fax 781-794-8259

NH Denise Gonyer 47 Cherry Valley Road Gilford NH 03249 dgonyer@gilfordnh.org Phone 603-527-4713 Fax 603-527-4719

NY Susan Haag PO Box 238 Spencertown NY 12165 (mailing address)



austerlitz@fairpoint.net Phone 518-393-3260 Ext 300 Fax 518-392-9350 Tina Ward Shuart coby1@nycap.rr.com

RI Anna Stetson 25 Dorrance Street Providence RI 02903 Astetson@providenceri.com Phone 401-421-7740 Ext 248, 249 Cell 401 623-6526.

> Patty McCoy 9 Main Street, Suite 2 Poultney VT 05764 poultneytownclerk@comcast.net Phone 802-287-5761 Fax 802-287-5110

Directors:

VT

Shawn Cullinane (Director) 4300 S. Wellwood Avenue Lindenhurst, NY 11757 voladmin@optonline.net Phone 631-957-7500

Paul Bergeron (Director) 229 Main Street PO Box 2019

(Con't on page 6)



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Page 5

IIMC - New Hartford, CT (Con't from page 4)

Nashua NH bergeronp@nashuaNH.gov Phone 603-589-3010 Fax 603-589-3029

IIMC created several logos for the committee to review and the following logo was selected. Everyone on the committee is excited about the final selection.

Another walking tour of Hartford was hosted by John Bazzano (more to come). Anna Stetson (Providence, RI City Clerk and the IIMC Committee Representative from RI) was able to come and she sent me the following email:

Kate,

Thank you so much for allowing me to join you and your committee on a tour of Hartford last week.

From the moment I arrived in Hartford, all I felt was a wonderful, warm feeling. The hustle and bustle of a busy city surrounded by beautiful architecture, with a great mix of old and new was incredible! City Hall is just amazing and will make a great venue for your conference.

The city is also great to walk around in and easily accessible to many different venues. And the waterfront is just wonderful!

I believe that Connecticut is going to have a great conference that everyone will remember you for a very long time. The hotels, convention center and city hall are all in great distance of each other and will be very easy to navigate and can hold a very large group of people.

I am looking forward to 2015 to see what you and your committee come up with. Rhode Island had to put on quite a conference to top your New England Conference two years ago. You were a class act and I am sure you still have more.

You, John and the rest of the committee are very dedicated to what you are doing and I believe your city and state will assist in helping you to reach your goals

Thank you for asking me to join your monthly dinners in the city. I would love to see more of it and will do my best to help you out with whatever I can do. Would like very much to be able to sit you and spend some time together and bang heads about what we can do to really make this event as great as it can be.

I look forward to seeing you soon.

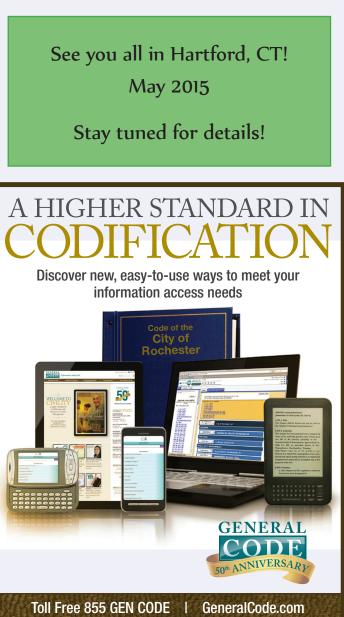
Thank you again for letting me be a part of this conference!

I was delighted to have Anna join our walking tour and thrilled that she enjoyed Hartford so much.

Also, I am very pleased to announce that NY and VT have already committed funds for the conference and will continue to do fundraising. RI is in the process of deciding what that state association can do.

Connecticut is working a Golf Tournament at Timberlin Golf Course, Berlin, CT on June 30, 2014 – SO SAVE THE DATE!

Thank you to the entire CTCA Association, I deeply appreciate all the support that my fellow Town/City/ Village Clerks have given to IIMC Hartford Conference in 2015.



FOIL and OML: A Refresher By Robert Freeman, Committee on Open Government



I always ask your editor about what's hot, what are the clerks buzzing about, what I should be addressing. For future reference, any of you should feel free to let me know, and I'll be happy to write about the topic of the day. When I asked recently I was told that there are a number of new city and village clerks, and that I should offer basic in-

formation concerning the Freedom of Information Law (FOIL) and the Open Meetings Law (OML). The following may be old hat for some of you, but I hope that it will be worthwhile refresher nonetheless.

First, you should know about this office, the Committee on Open Government. The Committee is a small unit (a staff of two) within the NYS Department of State, and our job is simple: we offer advice and opinions to anyone having a question about public access to government information. We get more questions from people like you than any other group, but we also hear from representatives of state agencies and the state legislature, the public and the news media. The Committee has existed since 1974, and we've prepared in the neighborhood of 25,000 written advisory opinions. The opinions are indexed by key phrase, one index relating to FOIL, and the other to the OML. Those of value prepared during the past 20 years are available online in full text. If, for example, you have questions about minutes, go to the OML index, click on to "M" and scroll down to the key phrases relating to a variety of issues involving minutes.

The website is easy to find. We're the only committee on open government in the world, so simply google "coog," and you'll get there. In addition to the opinions, you'll find the text of the laws, frequently asked questions (faq's), a news page that deals with developments in legislation and the courts, and a variety of publications. If you scroll to "Publications," click on to "Your Right to Know," our general guide to FOIL and the OML. We used to print it, but we don't have the resources to do so now. The reality, though, is that the online version is more valuable, because it contains links to additional material.

You should also know that you can phone us at (518)474-2518. Because there are only two of us, and because we receive thousands of calls annually, you may go into voice-mail. If you do, leave a message, and we'll be sure to get back to you.

And now to the law.....

Both FOIL and the OML are based largely on reasonable-

ness and common sense. In general, they require that records be disclosed and meetings of public bodies (such as town boards, planning boards and zoning boards of appeal), unless disclosure would hurt - an individual in terms of an invasion of personal privacy, the government in terms of its ability to do its job well, or sometimes, a private company in relation to its competition. So the question in so many instances is: "What would happen if we disclose this record?" or "What would happen if we discuss this issue in public?" Unless the answer is "Ouch," disclosure should probably be the outcome. Obviously this is an oversimplification, but that is general thrust of our open government laws.

FOIL

Every government agency is required to designate a "records access officer" who has the duty of coordinating the agency's response to requests for records. In the great majority of municipalities the clerk is the records access officer. That makes sense because you are the legal custodian of all records and the records management officer, and because you're in your office more than anyone.

When a request is made, an agency must respond in some manner within five business days. One of the responses can be an acknowledgement of the receipt of a request, indicating that the request will be granted in whole or in part within a reasonable time. The law requires that an estimated date of response must be given, and in most circumstances it cannot exceed twenty additional business days. If five business days go by and no response has been given, the requester may consider the request to have been denied, and that gives the requester the right to appeal. If a response is given, but records or portions of records have been withheld, the applicant must be informed in right to appeal within 30 days. The appeal is made to the board or to a person designated by the board. The appeals person or body must determine the appeal within 10 business days of its receipt and send a copy of the appeal and the determination to this office.

FOIL pertains to all records, regardless of their physical form, that are maintained by or for an agency. That being so, it covers not only paper records, but also email, audio or video recordings, etc., and it doesn't matter where the records are kept. Note that FOIL does not require an agency to create a new record in response to a request or supply information in response to questions. Certainly you may choose to answer questions, and we do so every day, but we are not required to answer questions to comply with FOIL.

Most requests are routine, and it has been suggested that

(Con't on page 9)



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Freeman (Con't from page 7)

simplicity works best. You can require that a request be made in writing, but you can choose to respond informally. For example, if I walk into my municipal clerk's office and ask to see the minutes of last month's board meeting, my guess is that she'd say, "Sure, they're over there." I've always felt that FOIL is intended to make life easier, not more difficult.

Almost 8 years ago, New York became the first state to deal with requests and disclosures made via email. If you have the ability to accept requests made through email, you are required to do so. And if the applicant wants the record to be emailed to him or her, and you can do so with reasonable effort, the law requires that you do so. FOIL says nothing about scanning, but our advice has been that if it's no more labor intensive to scan than to photocopy, a court would likely require that you scan and email the records. On the other hand, if it is more labor intensive, because portions of records must be redacted, because they're kept in a bound volume or are stapled, we've advised that you're not required to scan.

In general, inspection of records is free. If photocopies are requested, you can charge up to 25 cents per copy up to 9 by 14 inches. If records are maintained electronically, the fee is based on the actual cost of reproduction. In the rare case in which it takes two hours or more to "prepare" records stored electronically, i.e., to extract records or data from a database, the fee would be based on the hourly salary of the lowest paid employee able to do the job, plus the cost of the storage media. In that situation, the law requires that you inform the applicant of the amount of the fee in advance.

OML

A question that continues to arise is, very simply, "What is a meeting?" In short, it was determined years ago that any gathering of a quorum (a majority of the total membership) of a public body for the purpose of conducting public business is a meeting, even if there is no intent to take action, and regardless of what the gathering is called. There is no legal distinction between a "meeting" and a "workshop" or "work session" if a quorum of a board has gathered to discuss public business.

Every meeting must be preceded by notice of the time and place. If the meeting is scheduled at least a week in advance, notice must be given not less than 72 hours prior to the meeting; if it's scheduled less than a week in advance, notice must be given "to the extent practicable" at a reasonable time before the meeting. The notice requirement is usually threefold: it must be given to the news media, posted in one or more designated, conspicuous public locations, and when possible, on your website. A relatively new provision deals with records scheduled to be discussed during an open meeting. If the record is accessible to the public under FOIL, or if it is a proposed resolution, policy or local law, it is supposed to be made available in advance of the meeting online or in response to a FOIL request when you have the ability to do so with reasonable effort.

Meetings must be convened and open to the public, unless and until a topic arises that may properly be considered in executive session. To enter into executive session, a procedure must be accomplished in public. First, a motion to do so must be made in public; second, the motion must indicate the subject matter to be considered; and third, the motion must be carried by a majority of the total membership. From there, the issue is whether the subject fits within one of the eight grounds for entry into executive session that are listed in the law.

It is noted that there is no law that requires that minutes be approved. However, the OML requires that minutes be prepared and made available within two weeks. The minutes need not be expansive. Minutes of open meetings must consist, at a minimum, of a record or summary of motions, proposals, resolutions, action taken and the vote of the members. They may include more detail, but there is no requirement that they must. If action is taken in executive session, minutes indicating the nature of the action, the date and the vote of the members must be prepared within one week and made available to the extent required by FOIL.

Meetings may be audio or video recorded or broadcast, so long as the equipment used to do so is not disruptive or obtrusive.

Finally, the OML gives the public the right to attend, to listen and to observe. It says nothing about the right to speak. Most boards permit limited public participation. If they choose to do so, it has been advised that they adopt reasonable rules that treat members of the public equally. We've barely scratched the surface, and I suggest that you look at the law, the advisory opinions, our News page, and if you can't find what you need, call!

CMCI Coming Up! July 13-17, 2014 REGISTER TODAY!

Scholarships Available See pages 10 and 13 for more info!

CMCI Coming Up Soon! Cornell University: July 13-17, 2014

The CMCI is coming up fast! If you plan to attend you should apply for a scholarship from the NYSACVC. If you have never attended the CMCI you can qualify for a full scholarship covering the entire cost of the insitute. The first 5 applications received will be eligible for full scholarship to the institue. So get your application in. It can be found on page 13. The amount of the remaining scholarships will be dependent upon the number of successful applications, as well as other scholarships received by the applicant.

All applications must be received by the Scholarship Chair by June 1st. Any application received after that date will be placed on a waiting list. You must also be a member of the NYSACVC adn IIMC for a minimum of one year to receive a scholarship.

If you wish to appy for a scholarship you should:

1. Complete the application form.

2. Attach a brief resume including previous municipal positions, education, membership and length of time in all municipal associations, to teh application. 3. Attach a brief statement to the application as to why you want to attend the Institute or Academy.

4. Mail the application to the Scholarship Chair as soon as possible prior to June 1st.

Completed applications should be sent to:

Michael Stegmeier, Village Clerk-Treasurer Village of Lancaster 5423 Broadway Lancaster, NY 14086

If you should have any questions, plesase feel free to contact the chair at 716.683.2105 or by e-mail at:

mstegmeier@lancastervillage.org.

For more information about the CMCI go to the website at:

www.cardi.cornell.edu

See you in July!



nes neur_femilier faces JOE DEGNAN innurly **Brank: Rhar Marelli Co. jos.deguna@**koffle.us



This first tournament is to support the 2015 IIMC Annual Conference in Hartford, CT

Golf Tournament

To be held at the Timberlin Golf Club 330 Southington Rd., Berlin CT 06037

More information will be available online at www.newenglandclerks.org and www.ctclerks.com

or by calling Carol Anderson at (860) 489-2239

Monroe County Village Clerks Meet April 9, 2014, Churchville, NY By Meghan Lodge, President

The Association of Monroe County Village Clerks was founded in 1983. Membership includes 10 villages.

The association meets in January, April, August and October on the third Wednesday of the month.

The Association's most recent meeting was held on April 9th at 12:00 noon at the Village Hall in Honeoye Falls. A speaker from HR Works made a presentation.

When invitations are sent out the association always asks that the Village Clerk also invite the retirees from their Village to meetings. There is a tight support network.

Local Clerks Associations Contact Your Local Organization and Join!

North Country Association

President: Geneva Phelps Miller, Village of Clayton (315) 686-5552 / ClerkTreasurer@villageofclayton.org

Municipal Administrative Officers - Erie County

President: Daniel Borchert, Village of Akron (716) 542-9636 / borchert@akronvillage.us

Association of Monroe County Village Clerks

President: Meghan Lodge, Village of Churchville (585) 293-3720 ext 115 / meghan@churchville.net

Westchester County Association

President: Christine Dennett, Village of Briarcliff Manor (914) 941-4801 / cdennett@briarcliffmanor.org

Central New York Association

President: Deborah Barron, Village of Groton (607) 898-3966

Long Island Association

President: Patricia Seal, Village of Patchogue (631) 475-4300 / pseal@patchoguevillage.org



From left to right (rear): Leslie Morelli, Erica Linden, Karen Kimbler, Elaine Driscoll, Julie Kuhn, Margaret Gioia, Paula Hitchings, Amy Harter, Jean Batte, Maryalice Edwards, Gina Hurley, Charlotte Williams, Mary Marowski, Joan Johnson, Anne Hartsig, Lee Mikewicz.

From left to right (front): Dorothea Ciccarelli, Meghan Lodge, Cathy Paye

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NEW YORK STATE ASSOCIATION OF CITY AND VILLAGE CLERKS APPLICATION FOR INSTITUTE CMC/MMC SCHOLARSHIP YEAR
Name: Title:
Municipality:Population:
Address:
Application for (Check One) CMC MMC
This is myyear of attendance. Have you applied for, or are you receiving any other scholarship money? Yes No If yes, how much and from whom?
Have you previously received a scholarship from NYSACVC?When?
Are you a member of NYSACVC? If yes, number of years
Are you a member of IIMC? If yes, number of years
Date: Signature:
Optional: To be completed by the City or Village.
STATEMENT OF COMMITMENT
I/We, the
Date: Signature/Title:
Scholarship Committee Only: Mark approved or denied and sign off.

Calendar of Events

May 4-6, 2014: NYCOM Annual Meeting and Training School, Gideon Putnam Hotel, Saratoga Springs, NY.

May 18-22, 2014: IIMC 68th Annual Conference, Milwaukee, Wisconsin

May 28-30, 2014: NYSOSC Basic Accounting School, Town of Malta (Saratoga County)

June 3-5, 2014: NYSOSC Basic Accounting School, Town of Ogden (Monroe County)

June 8-10, 2014: NYALGRO School, Holiday Inn Resort, Lake George

June 19, 2014: Long Island Village Clerks & Treasurers Association, Location TBD

July 13-17, 2014: Cornell Municipal Clerks Institute, Cornell University, Ithaca September 3-5, 2014: NYSOSC Advanced Accounting School, Town of Malta (Saratoga County)

September 15-18, 2014: NYCOM Fall Training School, Crowne Plaza, Lake Placid

October 7-9, 2014: NYSOSC Basic Accounting School, Village of Manlius (Onondaga County)

October 20-22, 2014: NYCOM Public Works Training School, Holiday Inn, Saratoga Springs

October 21-23, 2014: NYSOSC Advanced Accounting School, Town of Brookhaven (Suffolk County)

October 28, 2014: NYSOSC Advanced Accounting School, Town of Ogden (Monroe County)

If you have an event you would like to have publicized, contact the Editor at clerkbulletineditor@ gmail.com or call 607.432.1179.



NYSACVC Committee Assignments 2013-2014

Audit: L. Kay Wharmby, Chair, Village of Fairport (585) 421-3202 lkw@fairportny.com; Robin L. Mitchell, Village of Camden (315) 245-0560 camdengov@yahoo.com; Karen McLaughlin, Village of Millerton (518) 789-4489

Awards: Donna Harris, Chair, Village of Mill Neck (516) 922-6722 millneckvillage@optonline.net; Brenda McConnell, Village of Brownville, (315) 782-7650, bville@nnymail.com; Karen McLaughlin, Village of Millerton (518) 789-4489; Jill Matteson, Village of Sandy Creek (315) 387-5781, jill@tcenet.net; Melinda Westcott, Village of Walton (607) 865-4385, vclerk@stny.rr.com

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REMINDERS!

Submit your scholarship application for this year's CMCI to be held July 13-17, 2014.

Register for the NYCOM Annual Meeting and Training School to be held May 4-6 at the Gideon Putnam Hotel.

Register for the 68th Annual IIMC Conference to be held in Milwaukee, Wisconsin.

Contact the President about serving on a committee or if you have any other question about the NYSACVC.

Submit any articles of interest or pictures to the Bulletin Editor at clerkbulletineditor@ gmail.com.

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