

MINUTES OF THE MEETING OF THE COUNCIL OF THE BOROUGH OF ESSEX
FELLS, ESSEX COUNTY, NEW JERSEY

Held at the Essex Fells Municipal Building in said Borough on June 7, 2022 at 7:00 p.m.

Present

Mayor Edward A. Davis
Councilman Michael Cecere
Councilman BJ D'Avella (arrived at 7:04pm)
Councilman Greg Hindy
Councilman John King
Councilwoman Maggie O'Connor
Councilman William Sullivan

Absent

Also Present

Borough Administrator/Borough Clerk Francine T. Paserchia
Borough Attorney Robert Oostdyk

Mayor Davis called the meeting to order. He stated that in compliance with the Open Public Meetings Law (Chapter 231, Public Laws of 1975) notice of this meeting was transmitted to The Progress and The Star Ledger and was filed with the Borough Clerk and is posted on the Bulletin Board of the Borough Hall.

Mayor Davis led the Council in the Pledge of Allegiance and gave the Invocation.

Councilman King moved, Councilman Sullivan seconded approval of the minutes of May 17, 2022

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	None	None
BJ D'Avella		
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

Councilman Sullivan moved, Councilman King seconded, approval of the following resolution:

2022-75

RESOLUTION COMPUTING 2022 RESERVE FOR UNCOLLECTED TAXES
PURSUANT TO N.J.S.A. 40A:4-41c(2)

WHEREAS, N.J.S.A. 40A:4-41c(2), enacted into law (P.L. 2010, c. 56), provides alternate methods of calculating the Reserve for Uncollected Taxes, and

WHEREAS, one method under N.J.S.A. 40A:4-41c(2) permits the Governing Body of any municipality in which the amount of tax reductions resulting from tax appeal judgments of the County Tax Board pursuant to R.S. 54:3-21 et seq., or the State Tax Court pursuant to R.S. 54:48-1 et seq., result in tax reductions in the preceding fiscal year, may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustment resulting from those judgments. Election of this choice shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the adoption of the annual budget pursuant to N.J.S.A. 40A:4-5; and

WHEREAS, the Borough of Essex Fells Adjusted Tax Levy in 2021 was \$16,476,118.90; and

WHEREAS, during 2021 the Borough of Essex Fells Tax Levy was reduced by \$9,533.12 due to tax appeals; and

WHEREAS, the Borough of Essex Fells has determined that it is advantageous for the Borough of Essex Fells to utilize the method under N.J.S.A. 40A:4-41(c)(2),

NOW, THEREFORE BE IT RESOLVED BY THE Governing Body of the Borough of Essex Fells, New Jersey, that by a majority vote of the full membership of the Governing Body of the Borough of Essex Fells, approves that the maximum percentage to be used for the reserve for uncollected taxes in the 2022 budget is 97.44% based on N.J.S.A. 40A:4-41c(2); and

BE IT FURTHER RESOLVED, that the Director of the Division of Local Government Services in the Department of Community Affairs, be and is hereby requested to give her written consent to allow the Borough of Essex Fells to compute the Reserve for Uncollected Taxes pursuant to the provisions of N.J.S.A. 40A:4-41c(2).

BE IT FURTHER RESOLVED, that the Borough Clerk upload a certified copy of this resolution on the FAST System for the Director of the Division of Local Government Services.

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	None	None
BJ D'Avella		
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

Councilman Sullivan moved, Councilman King seconded, approval of the following resolution:

2022-76

WHEREAS, N.J.S.A. 40A:4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least on week prior to the date of the hearing a complete copy of the approved Budget:
 - (a) shall be made available for public inspection, and
 - (b) shall be made available to each person upon request, and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Essex Fells that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended set forth in subsections 1(a) and 1(b), have been met and therefore the Budget for 2022 shall be read by title only.

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	None	None
BJ D'Avella		
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

Councilman Sullivan moved, Councilman King seconded, approval of the following resolution:

2022-77

BE IT RESOLVED by the Council of the Borough of Essex Fells, County of Essex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of \$ 6,294,284.29 for municipal purposes.

SUMMARY OF REVENUES

1. GENERAL REVENUES

Surplus Anticipated	\$ 735,000.00
Miscellaneous Revenue Anticipated	1,079,561.76
Receipts from Delinquent Taxes	285,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES	4,194,722.53
Total Revenues	\$ 6,294,284.29

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS

Within "CAPS"	
(a & b) Operations Including Contingent	\$ 3,897,185.50
(e) Deferred Charges & Statutory Expenditures-Municipal	690,585.00
Excluded from "CAPS"	
(a) Operations - Total Operations Excluded from "CAPS"	627,013.79
(c) Capital Improvements	20,000.00
(d) Municipal Debt Service	409,500.00
(e) Deferred Charges - Municipal	220,000.00
(m) Reserve for Uncollected Taxes (Include Other Reserves, if any)	430,000.00
6. SCHOOL APPROPRIATIONS - TYPE 1 SCHOOL DISTRICTS ONLY	<u>-0-</u>
Total Appropriations	\$ 6,294,284.29

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	None	None
BJ D'Avella		
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

Committee Discussions

Public Works

- **Stormwater Compliance Update**

The Borough Engineer, Michael Petry gave an update on the new state regulations. He will continue to monitor and implement changes when needed and advise council of any issues that might turn up.

No formal action taken.

- **2022 NJDOT Municipal Road Aid Program Bid Opening**

The Borough Engineer, Michael Petry advised council that the Bid Opening for the 2022 NJDOT Municipal Road Aid Program will be held on June 28, 2022 at 10am in the Municipal Building.

No formal action taken.

- **Current Landscaping and Tree Removal Registration**

A list was provided to council as per the Mayor’s request to keep updated on the Current Landscaping and Tree Removal Registrations.

No formal action taken.

Mayor Davis announced introduction on first reading of Ordinance 2022-1063

Councilman Hindy moved, Councilman King seconded a motion to introduce on first reading and publish according to law an ordinance entitled 2022-1063,

ORDINANCE AMENDING CHAPTER 72 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND PROVIDING FOR A LIQUOR LICENSE FEE, hearing to be held on June 21, 2022 at 7:00 p.m.

BE IT ORDAINED by the Borough Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, as follows:

Section 1. Chapter 72 of the Revised General Ordinances of the Borough of Essex Fells, Section 72-2 entitled “Fees,” shall be amended to read in its entirety as follows:

72-2. Fees.

Effective January 1, 2022, the sum to be paid annually for a plenary retail consumption license is \$3,071.16 in accordance with N.J.S.A. 33:1-12. All fees collected pursuant to this section are nonrefundable.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	None	None
BJ D’Avella		
Greg Hindy		
John King		
Maggie O’Connor	<u>Abstain</u>	
William Sullivan	None	

Mayor Davis announced introduction on first reading of Ordinance 2022-1064

Councilwoman O'Connor moved, Councilman Hindy seconded a motion to Introduce on first reading and publish according to law an ordinance entitled 2022-1064, **ORDINANCE AMENDING CHAPTER 221, SECTION 221-1, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND ESTABLISHING A RATE FOR SEWER SERVICE**, hearing to be held on July 19, 2022 at 7:00 p.m.

BE IT ORDAINED by the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, as follows:

Section 1. Chapter 221, Section 221-1, of the Revised General Ordinances of the Borough of Essex Fells shall be amended to read in its entirety as follows:

§ 221-1. Schedule of rates.

The rate for sewer usage within the Borough of Essex Fells shall be an annual rate of \$350.00. A penalty of 10% of the amount of the bill shall be added to every bill that is not paid within 30 days of the date on which it is due.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	None	None
BJ D'Avella		
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

Mayor Davis announced a public hearing on second reading of Ordinance 2022-1062

The Clerk offered proof of publication of the ordinance, indicating that it was published in The Progress issue of May 26, 2022.

***The public hearing was held and* ORDINANCE AMENDING THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF ESSEX FELLS AND PROHIBITING
THE RENTAL OF PROPERTY FOR SHORT TERM OCCUPANCY**

WHEREAS, the Borough Council find that the rental of residential dwelling for short-term occupancy has been identified as a community concern due to the potential for increased traffic, noise, high occupant turnover, and increased density in residential neighborhoods; and

WHEREAS, the number of individuals occupying such short-term rentals has the potential to exceed standards for the design capacity of such structures and to cause health and safety risks for the occupants, neighbors and nearby properties; and

WHEREAS, the purpose of this chapter is to safeguard the peace, safety and general welfare of the residents of the Borough and their visitors and guests by eliminating noise, traffic and parking congestion, vandalism, overcrowding, neighborhood uncertainty, high occupant turnover, diminution of neighborhood character, and other secondary effects that have been associated with the short-term rental of residential properties; and

WHEREAS, the short-term rental market nationwide has expanded with the use of professional brokers and internet listing services. This increase requires an expansion of enforcement mechanisms to deter parties who facilitate and solicit short-term rentals. Because there are numerous homeowners, real estate offices, brokers, and other agencies that actively promote short-term rentals to potential Borough visitors through the internet and other forms of advertisement, it is necessary to prohibit the promotion and advertisement of short-term rentals.

BE IT NOW, THEREFORE, ORDAINED by the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, as follows:

Section 1. The Revised General Ordinances of the Borough of Essex Fells shall be amended by the inclusion of new Chapter 223, which shall be entitled “Short Term Rental of Residential Property” which shall read, in its entirety, as follows:

CHAPTER 223

SHORT TERM RENTAL OF RESIDENTIAL PROPERTY

§223-1 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ADVERTISE or ADVERTISEMENT

Any written, electronic or oral publication, dissemination, solicitation or circulation which is intended to directly or indirectly induce any person to enter into an agreement for the short-term rental of a dwelling. This definition includes, but is not limited to, mailings, print advertisements internet listings, e-mail publications or other oral, printed or electronic media.

DWELLING

Any single- or multi-family residential building or structure in the Borough, or any part thereof, which is occupied in whole or in part, or intended to be occupied in whole or in part, as a home residence or sleeping place for one or more individuals.

FACILITATE

A person facilitates if, acting with knowledge that an operator managing agency or rental agent is renting a dwelling on a short-term basis, the person knowingly provides the operator managing agency or rental agent with means or opportunity for the commission of said offense.

PERSON

An individual, corporation, association, firm, partnership, limited liability company, or other legal entity.

RENT

The consideration or remuneration charged, whether or not received, for the occupancy or use of a dwelling, whether to be received in money, goods, services, labor, other use of other dwelling(s), or otherwise.

RENTAL

An agreement between persons whereby money or other consideration is charged in exchange for the right to occupy or use all or part of a dwelling.

SHORT-TERM RENTAL

Any rental of a dwelling or part thereof for less than 30 consecutive days.

SOLICIT

A person "solicits" if, with the intent to promote or facilitate the short-term rental of a dwelling, such person commands, encourages, requests or solicits another person to engage in a short-term rental agreement.

§ 223-2 Prohibited conduct.

A. No person shall use, possess or occupy a dwelling on a short-term rental basis. No person shall enter a short-term rental agreement for a dwelling.

B. No person owning, leasing, or having control of a dwelling shall allow it to be used, occupied or possessed as a short-term rental.

C. No person shall advertise, solicit or facilitate a short-term rental agreement for a dwelling.

§ 223-4 Violations and penalties.

A. Any person who violates any provision of this chapter shall be subject to the following penalties:

(1) For a first violation. A fine of \$750 per day for each violation for each dwelling unit and/or 10 days in jail at the discretion of the Municipal Court Judge, or both;

(2) For a second violation. A fine of not less than \$750 nor more than \$1,200 per day for each violation for each dwelling unit and/or 20 days in jail at the discretion of the Municipal Court Judge, or both;

(3) For a third and subsequent violation. A fine of not less than \$1,200 nor more than \$2,000 per day for each violation for each dwelling unit and/or 30 days in jail at the discretion of the Municipal Court Judge, or both.

B. Each day that a person violates; a provision of this chapter shall be considered as a separate and distinct violation.

§ 10.25 Enforcement.

This chapter may be enforced by Essex Fells Police Department, Building Department Inspectors together with any other municipal officials authorized to enforce Borough ordinances.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	None	None
BJ D'Avella		
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

Public Comment

**Glenn Strathearn, 224 Roseland Avenue
Re: Ordinance 2022-1062**

Councilman King moved, Councilman Hindy seconded, approval of the following resolutions on consent:

2022-78

AUTHORIZE TAX COLLECTOR TO PREPARE AND ISSUE ESTIMATED TAX BILLS FOR 3RD QUARTER 2022 TAXES

WHEREAS, N.J.S.A 54:4-66.3, pursuant to Section 3 of P.L 1994 c. 72 and 54:4-66.2, the governing body has determined that the Tax Collector will be unable to complete the mailing and delivery of the tax bills due to the absence of a certified tax rate; and

WHEREAS, the Tax Collector in consultation with the Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Tax Collector requests the Council to approve the estimated tax levy; which is between the mandated estimated range proposed by the Local Government Services. Approval will enable the Borough to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest on borrowing,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Essex Fells, County of Essex, State of New Jersey, hereby authorizes that:

1. The Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2022 taxes.
2. The entire estimated tax levy for 2022 is hereby set at \$16,646,609.62. The estimated tax rate for 2022 is hereby set at 2.210.
3. In accordance with law, the third installment of 2022 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Tax Collector and Chief Financial Officer for their records.

2022-79

BE IT RESOLVED by the Council of the Borough of Essex Fells that:

WHEREAS, a permit application has been received from the Essex Fells Country Club, 219 Devon Road, for a Fireworks display on Friday, July 1st, 2022 with a rain date of Saturday, July 2nd, 2022 on the golf course area of its property near the clubhouse; and

WHEREAS, said fireworks display will be conducted under the direction of Interstate Fireworks, Inc., PO Box 260, Rowland PA 18457, a licensed and insured operator; and

WHEREAS, the display request has been sent to both the Chief of the Police and the Fire Chief and both have confirmed receipt.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Essex Fells hereby grants permission to the Essex Fells Country Club to conduct a Fireworks display on Friday, July 1st, 2022 with a rain date of Saturday, July 2nd, 2022 from approximately 9:00 PM to 10:00 PM.

2022-80

BE IT RESOLVED, by the Council of the Borough of Essex Fells that the Borough Clerk is hereby authorized to advertise for bids for the 2022 NJDOT Road Improvement Program (Devon Road (Oval to Old Eagle Rock), Hawthorne Road, Oval Road (Forest to Holton).

2022-81

Authorization for Payment of Bills

BE IT RESOLVED by the Council of the Borough of Essex Fells that;

WHEREAS, the bill list as attached has been presented by the Chief Finance Officer for payment.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Essex Fells that the bill list as presented is approved.

<u>Fund</u>	<u>Fund No.</u>	<u>Amount</u>
Current	1-01	\$510.30
Water Utility	1-05	\$12,237.95

Current	2-01	\$2,010,798.23
Water Utility	2-05	\$187,298.94
General Capital	C-03	\$11,115.00
General Capital	C-04	\$1,800.00
Water Capital	C-06	\$86,733.55
Grant Fund	G-02	\$706.51
Animal Control	10	\$0
Other Trust	T-11	\$11,359.42
Payroll	T-13	\$202,476.50

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	None	None
BJ D'Avella		
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

Councilman Hindy moved, Councilman King seconded, approval of the following resolution:

2022-82

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Mayor and Council of the Borough of Essex Fells is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor & Council of the Borough of Essex Fells to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase; Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- X (7) Matters Relating Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Essex Fells, in the County of Essex and State of New Jersey, assembled in public session on June 7, 2022 at 7:26 P.M. in the Essex Fells Municipal Building, 255 Roseland Avenue, Essex Fells, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

And was carried on call of the roll:

<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Michael Cecere	None	None
BJ D'Avella		
Greg Hindy		
John King		
Maggie O'Connor	<u>Abstain</u>	
William Sullivan	None	

On motion made by Councilman Sullivan, seconded by Councilman King and approved unanimously by the Council, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Francine T. Paserchia
Municipal Clerk