

TOWN BOARD MEETING
TOWN HALL, MAHOPAC, N.Y.

A Regular Meeting of the Town Board of the Town of Carmel was called to order by Supervisor Kenneth Schmitt on the 16th day of October 2019 at 7:20 p.m. at Town Hall, 60 McAlpin Avenue, Mahopac, New York. Members of the Town Board present by roll call were: Councilman Barile, Councilman Schneider, Councilman Lupinacci, Councilwoman McDonough and Supervisor Schmitt.

The Pledge of Allegiance to the Flag was observed prior to the start of official business. A moment of silence was held to honor those serving in the United States Armed Forces as well as in memory of much-admired retired Town of Carmel police officer Thomas DiMarchi.

Supervisor Schmitt announced that the Town Board met at 6:00 p.m. in Executive Session for discussion regarding perspective vendors in connection with the Town of Carmel Master Plan and Code revisions. In addition, Police Chief Michael Cazzari, Highway Superintendent Michael Simone and Town Engineer Richard Franzetti, P.E. addressed personnel matters related to the 2020 Budget. Councilman Lupinacci provided an update on PBA negotiations.

MINUTES OF TOWN BOARD MEETINGS HELD ON 9/18/19 AND 9/25/19 - ACCEPT AS SUBMITTED BY THE TOWN CLERK

On motion by Councilman Lupinacci, seconded by Councilwoman McDonough, with all members of the Town Board present and voting “aye”, the minutes of the Town Board meetings held on September 18th and September 25th 2019 were accepted as submitted by the Town Clerk.

AMENDED 2020 TENTATIVE BUDGET AS THE 2020 PRELIMINARY BUDGET

RESOLVED, that the Town Board of the Town of Carmel hereby adopts the Town Supervisor’s Tentative Budget (as amended by the attached schedule) as the Preliminary Budget for fiscal year 2020.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	X	
Jonathan Schneider	X	
John Lupinacci	X	
Suzanne McDonough	X	
Kenneth Schmitt	X	

TOWN OF CARMEL 2020 BUDGET ADJUSTMENTS PRELIMINARY 10/10/19

TOWN OF CARMEL 2020 BUDGET ADJUSTMENTS TENTATIVE - PRELIMINARY			Total
Adjustments Tentative to Preliminary			
* Increase Elected Officials/Management Salary			
Act code 1010.10	Town Board	1,748	
Act code 1220.10	Supervisor	2,496	
Act code 1410.10	Town Clerk	1,904	
Act code 5010.10	Highway Super	2,580	
			8,728
* Decrease Compensation Reserve			
Act code 1010.16	Comp Reserve - Mngmt Salary Inc	(8,728)	
			(8,728)

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TOTAL NET EXPENDITURE ADJUSTMENTS				0
REVENUES				
TOTAL REVENUE ADJUSTMENTS				0
* Increase/Decrease in Gen/Hwy Levy	General Levy		0	
	Highway Levy		0	
Adjustment to Tax Levy				0
Tax Rate Increase 0.8% - No change				

(The 2020 Preliminary Budget is attached to the end of these minutes.)

PUBLIC HEARING SCHEDULED FOR 11/6/19 - 2020 PRELIMINARY BUDGET

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing in regard to the Preliminary Budget for fiscal year 2020 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Districts, Fire Protection Districts, Garbage District and Lighting Districts; and

BE IT FURTHER RESOLVED that said Public Hearing shall be held on the 6th day of November, 2019 at Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM or as soon thereafter that evening as possible, at which time all interested persons shall be heard; and

BE IT FURTHER RESOLVED that the proposed salaries of the following officials for fiscal year 2020 shall be advertised, as required by Section 108 of the Town Law of the State of New York, as follows in said notice:

Town Supervisor - \$127,296.00;
Town Clerk - \$97,063.20;
Town Highway Superintendent - \$131,539.20;
Town Council Members - \$22,276.80;

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and directed to publish the Notice of said Public Hearing in the official newspapers of the Town a minimum of five (5) days prior to November 6, 2019, and

BE IT FURTHER RESOLVED that the Town Clerk of the Town of Carmel is hereby authorized and directed to post the Notice of said Public Hearing on the Town Bulletin Board a minimum of five (5) days prior to November 6, 2019; and

BE IT FURTHER RESOLVED that a copy of the preliminary budget be available at the Office of the Town Clerk where it may be inspected by any interested person during office hours.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Lupinacci

Roll Call Vote	YES	NO
Michael Barile	X	
Jonathan Schneider	X	
John Lupinacci	X	
Suzanne McDonough	X	
Kenneth Schmitt	X	

Supervisor Schmitt noted that the salaries for the elected officials listed for publication in the resolution include a 2% increase which is comparable to most of the increases afforded Town of Carmel union employees.

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ADDITIONS TO THE ACTIVE LIST OF THE MAHOPAC VOLUNTEER FIRE DEPARTMENT - AUTHORIZED

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Mahopac Volunteer Fire Department:

Theodore J. Martine
Gerard J. Kick
Ariel Munoz
Ashley Munoz
Sean Mullins

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

Supervisor Schmitt thanked the individuals for joining the ranks of the Mahopac Volunteer Fire Department.

REVISED TOWN OF CARMEL ELECTION DISTRICT MAP - ADOPTED

WHEREAS the Lake Secor Community House has been eliminated as a polling location within the Town of Carmel; and

WHEREAS as a result of growth and re-distribution of population, it becomes necessary periodically to alter and reconfigure the election districts within the Town of Carmel so as to assure that each election district does not contain more than the maximum number of registered voters permitted by law; and

WHEREAS, as a result of the foregoing, a new election district map for the Town of Carmel has been prepared;

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby adopts the Map entitled, "Election District Map, Town of Carmel", dated October, 2019 as the official Election District Map of the Town of Carmel.

Resolution

Offered by: Councilman Barile
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

PAYMENT FOR PURCHASE OF CLAY AT SYCAMORE PARK BASEBALL FIELD AUTHORIZED - CARRIERE MATERIALS, LLC - \$9,082.50

RESOLVED THAT the Town Board of the Town of Carmel, upon recommendation of Town of Carmel Director of Recreation and Parks James R. Gilchrist, hereby authorizes acceptance of proposal and payment for delivery of ballfield clay to the Sycamore Park ballfields to Carriere Materials, LLC, Port Chester, NY in the amount of \$9,082.50, in accordance with the invoice/proposal dated August 10, 2019; and

(Cont.)

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u></u>
Jonathan Schneider	<u>X</u>	<u></u>
John Lupinacci	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Kenneth Schmitt	<u>X</u>	<u></u>

**CARMEL WATER DISTRICT #9 WATER DISTRIBUTION SYSTEM UPGRADES
CONTRACT C-242 - RELEASE OF RETAINAGE AND SUBSTITUTION OF BOND
AUTHORIZED - BRENNAN CONSTRUCTION CO.**

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes release of contract retainage on the above contract to Brennan Construction Co. in relation to the above contract in the amount of \$64,820.38: and

BE IT FURTHER RESOLVED that such release of contract retainage is subject to and expressly conditioned upon the receipt of properly executed releases of liens from Brennan Construction Co., Inc., its subcontractors etc., together with a duly executed affidavit of no liens from Brennan Construction Co., Inc., as well as all other documents required by the contract C-242 specifications in regard to final payment, all as in form acceptable to Town Counsel; and

BE IT FURTHER RESOLVED that such release of contract retainage is further subject to and conditioned upon receipt of a duly-executed maintenance bond guaranteeing and indemnifying the Town of Carmel and Carmel Water District #9 against all defects in materials and/or workmanship with respect to the improvements performed by Brennan Construction Co. under said Contract C-242 for a period of one (1) year, in form acceptable to Town Counsel.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u></u>	<u>X</u>
Jonathan Schneider	<u></u>	<u>X</u>
John Lupinacci	<u>X</u>	<u></u>
Suzanne McDonough	<u>X</u>	<u></u>
Kenneth Schmitt	<u>X</u>	<u></u>

Councilman Barile stated that his “no” vote should not be viewed as a reflection on Brennan Construction because he considers them one of the best local contractors. He explained that the Town Board was advised against taking this action by their experts and pointed out that this will set in motion a flood of future requests for the same thing.

Councilman Schneider expressed his agreement with Councilman Barile.

Councilman Lupinacci stated that this has been done in the past.

Councilwoman McDonough indicated that Legal Counsel has advised her that there is no issue with taking this action.

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CARMEL SEWER DISTRICT #2 - PAYMENT FOR REPAIRS AUTHORIZED - ALL MAKES PUMP & MOTOR REPAIR AND CARMEL WATER DISTRICT #4 - PAYMENT FOR REPAIRS AUTHORIZED - BEE & JAY PLUMBING

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, and upon the recommendation of Town Engineer Richard J. Franzetti, P.E., hereby authorizes the following payments for repairs performed within the referenced districts:

Vendor Name	Services Rendered	Authorized Amount
All Makes Pump & Motor Repair Yorktown Heights, NY	Carmel Sewer District #2 Grinder Pump Repair Invoice: September 19, 2019	\$5,180.00
All Makes Pump & Motor Repair Yorktown Heights, NY	Carmel Sewer District #2 Grinder Pump Purchase (2) Invoice: September 19, 2019	\$5,050.00
Bee & Jay Plumbing Mahopac, NY	Carmel Water District #4 Well pump replacement Invoice: September 26, 2019	\$5,230.40

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect payment for the aforesaid repair authorizations.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

TOWN HALL VIDEO/CONTROL ROOM UPGRADES - PAYMENT AUTHORIZED FOR PROFESSIONAL SERVICES - ALESCA PRODUCTIONS, INC. - \$7,687.50

RESOLVED THAT the Town Board of the Town of Carmel, upon recommendation of Town Engineer Richard J. Franzetti, P.E. authorizes payment of the sum of \$7,687.50 to Alesca Productions, Inc., Mahopac, NY, for services rendered in connection with the Town of Carmel Video Room/Control Room updates and upgrades; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

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HIGHWAY DEPARTMENT - CONTRACT AWARDED FOR PURCHASE OF BULK ROAD SALT - MORTON SALT, INC.

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes the award of bid contract for purchase of bulk road salt for the Town of Carmel Highway Department for the period commencing retroactive to September 1, 2019 through August 31, 2020 to Morton Salt, Inc., Chicago, IL under Putnam County Office of Purchasing Contract No. PC67022 at the price of \$84.54 per ton.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

HIGHWAY DEPARTMENT MATERIALS - ADVERTISING FOR BIDS AUTHORIZED - SAND, GUIDE RAIL, WINTER MIX AND WASTE WOOD PROCESSING

RESOLVED that, pursuant to the request of Michael Simone, Town of Carmel Highway Superintendent, the Town Board of the Town of Carmel hereby authorizes Town Clerk Ann Spofford to advertise for bids for the purchase of the following items for fiscal year 2020:

- Sand
- Guide Rail
- Winter Mix
- Waste Wood Processing

BE IT FURTHER RESOLVED that the Highway Superintendent is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

HIGHWAY DEPARTMENT - PROPOSAL ACCEPTED AND PURCHASE OF IN-PLACE RECYCLING AUTHORIZED - HIGHWAY REHABILITATION CORP.

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes purchase of In-Place Recycling of Asphalt Pavement for the period of December 1, 2017 through November 30, 2019 from Highway Rehabilitation Corp., Brewster, NY under Putnam County Bid No. RFB-41-17.

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(Cont.)

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

BOND RELEASE AUTHORIZED - KARL THIMM - TM # 65.17-1-15 - 232 EAST LAKE DRIVE

WHEREAS application has been made by Karl Thimm for the total release of a bond posted in accordance with Chapter 131 and/or Chapter 156 of the Town Code regarding the property known and designated as Town of Carmel Tax Map 65.17-1-15; and

WHEREAS said applications have been reviewed by the Planning Board and The Office of the Town Engineer, both of which have recommended the release of said bonds;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the bond posted by applicant and referenced herein specifically in the amount of \$6,900.00.

Resolution

Offered by: Councilman Barile
Seconded by: Councilman Lupinacci

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

PLATH VS. THE TOWN OF CARMEL AND DIFUSCO VS. THE TOWN OF CARMEL - COUNSEL APPOINTED FOR SMALL CLAIMS PROCEEDINGS - JOSEPH A. CHARBONNEAU, ESQ.

RESOLVED, the Town Board of the Town of Carmel hereby appoints Joseph A. Charbonneau, Esq., 3 Starr Ridge Road, Brewster, NY as counsel for the Town of Carmel in the matters Plath vs. The Town of Carmel and DiFusco vs. The Town of Carmel, both pending in the Town of Carmel Justice Court, Small Claims Part; and

BE IT FURTHER RESOLVED, that said legal services are hereby approved at a rate of \$205.00 per hour.

Resolution

Offered by: Councilman Schneider
Seconded by: Councilman Lupinacci and Councilwoman McDonough

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

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CARMEL WATER DISTRICT #2 - USE OF WATER FROM LAKE GLENEIDA - COMMENCEMENT OF LITIGATION AUTHORIZED - TOWN COUNSEL GREGORY L. FOLCHETTI

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes Town Counsel Gregory L. Folchetti, 1875 Route Six, Carmel, NY, to commence litigation pursuant to Article 78 of the Civil Practice Law and Rules and/or Article 30 of the Civil Practice Law and Rules with respect to the establishment, fixing and/or the imposition of rates, charges, fees etc. for the use of water from Lake Gleneida by Carmel Water District #2 and/or its ratepayers, said litigation to include the City of New York, State of New York and any other party necessary for such proceedings as defendants and/or respondents; and;

BE IT FURTHER RESOLVED that Town Counsel is hereby authorized to withdraw the Town of Carmel and Carmel Water District #2 pending party-status petition in the administrative proceeding before the New York State Department of Environmental Conservation regarding Upstate Water Rates imposed by the New York City Water Board, known as OHMS Case No. 201671203, and

BE IT FURTHER RESOLVED, that such services are hereby authorized at a rate of \$205.00 per hour.

Resolution

Offered by: Councilwoman McDonough
Seconded by: Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	<u>X</u>	<u> </u>
Jonathan Schneider	<u>X</u>	<u> </u>
John Lupinacci	<u>X</u>	<u> </u>
Suzanne McDonough	<u>X</u>	<u> </u>
Kenneth Schmitt	<u>X</u>	<u> </u>

RESOLUTION FROM 10/2/19 AMENDED - RESOLUTION ACCEPTING PROPOSAL FOR SPECIAL COUNSEL - LAW FIRM OF COZEN O'CONNOR

WHEREAS, on October 2, 2019, the Town Board engaged the Law Firm of Cozen O'Connor as set forth in the October 2, 2019 Resolution Accepting Proposal for Special Counsel; and

WHEREAS, Town Supervisor Kenneth Schmitt has recommended that Suzanne McDonough act as the Town representative with respect to the oversight and direction of the engagement; and

WHEREAS, Suzanne McDonough is the Deputy Town Supervisor;

NOW THEREFORE, it is hereby resolved that the aforesaid resolution is amended nunc pro tunc to designate Deputy Town Supervisor Suzanne McDonough as the Town's client representative and point of contact on the engagement, subject to further action by the Board.

Resolution

Offered by: Councilman Lupinacci
Seconded by: Councilman Schneider

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>	
Michael Barile	<u> </u>	<u> </u>	Abstain
Jonathan Schneider	<u>X</u>	<u> </u>	
John Lupinacci	<u>X</u>	<u> </u>	
Suzanne McDonough	<u>X</u>	<u> </u>	
Kenneth Schmitt	<u> </u>	<u>X</u>	

Prior to the roll call vote, Supervisor Schmitt explained that throughout the years, he has designated Deputy Supervisor McDonough with assignments or requests for her to handle particular issues verbally, and questioned why at this time, a resolution is being required to do so.

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Councilman Lupinacci explained that the resolution was prepared by special counsel in response to an email sent to them from Supervisor Schmitt recommending that Deputy Supervisor McDonough assume the lead in this matter.

Supervisor Schmitt stated that there was nothing in his email that he felt would have triggered Cozen O'Connor to prepare a resolution and went on to read the referenced email aloud. Supervisor Schmitt expressed his dissatisfaction with the law firm for attempting to dictate the Town's actions as well as with the impending fee to be charged for the preparation of the resolution.

Councilwoman McDonough acknowledged that absent a resolution, she still would have assumed the role of point person.

Councilman Lupinacci suggested that Cozen O'Connor may have prepared the resolution because they are a very thorough law firm.

Supervisor Schmitt indicated his frustration that he was not provided with a copy of the resolution until this afternoon at 3:45 o'clock. He explained that although he does not agree with Cozen O'Connor handling this matter and has chosen not to take the lead with respect to oversight, he should still be included in all information circulated in connection with this inquiry or investigation. The roll call vote was taken at the conclusion of a discussion held.

PUBLIC COMMENTS - AGENDA ITEMS

No member of the public wished to comment at this time.

TOWN BOARD MEMBER COMMENTS - AGENDA ITEMS

No member of the Town Board wished to comment at this time.

PUBLIC COMMENTS - OPEN FORUM

Jean Hopper inquired about the success of the recently held "Shred it Day".

Supervisor Schmitt stated that it was very successful and that the Town plans on repeating the event in the spring.

Ms. Hopper asked if volunteers were asked to partake, and if so, how they were sought.

Supervisor Schmitt stated that people contacted him to volunteer for the event. Discussion commenced.

Roger Garcia requested an update with regard to the establishment of a permanent water source for the recreational fields being constructed at the Airport Park.

Councilwoman McDonough stated that the Town Board is awaiting information from Director of Recreation and Parks James Gilchrist. A discussion ensued.

TOWN BOARD MEMBER COMMENTS - OPEN FORUM

Supervisor Schmitt announced that the Town is holding a free "E-Waste Drop-off Day" on November 2, 2019 at the Michael Geary Inline Memorial Rink parking lot from 9:00 a.m. to 1:00 p.m. The event is open to Town of Carmel residents only and a list of acceptable items is posted on the Town's website.

Supervisor Schmitt announced that the Town Board will meet next at their Work Session to be held on October 23, 2019.

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ADJOURNMENT

All agenda items having been addressed, on motion by Councilwoman McDonough, seconded by Councilman Lupinacci, with all Town Board members present and in agreement, the meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Ann Spofford, Town Clerk