July 14, 2022

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jerseyat 7:00 PM on July 14, 2022. The meeting opened

with a salute to the Flag.

Mayor DiMaio announced that this meeting was being held in accordance with the Open

Public Meetings Act by:

(1) posting a notice of said meeting on the bulletin board in the lobby of the municipal

 building;

(2) causing a notice of said meeting to be sent to the Daily Record;

(3) furnishing a notice of said meeting to anyone requesting it in accordance with the

 Open Public Meetings Act; and

(4) filing notice of said meeting with the Town Clerk.

Roll Call Vote: Present – Mayor DiMaio, Councilpersons Becker, Engelau, Kunz, Lambo,

 and Sheldon

 Absent – Councilperson Tynan

Mayor DiMaio administered the Oath of Office to Sergeant Thomas Smith and Lieutenant Glen Brotzman.

Mayor DiMaio presented a proclamation in recognition of National Night Out.

Motion was made (Sheldon) and seconded (Becker) to approve the minutes of the regular meeting held on June 9, 2022 as submitted.

Roll Call Vote: Yes – Becker, Lambo and Sheldon

 Abstain – Engelau and Kunz

Motion was made (Engelau) and seconded (Lambo) to adopt the following resolution:

Resolution:

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the section s of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S 52:27BB-52: A local officer or member of local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Common Council of the Town of Hackettstown, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON JULY 14, 2022.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Engelau) to adopt the following resolution:

Resolution

WHEREAS, in accordance with the regulations of COAH pursuant to NJAC 5:93-1, et seq., and the New Jersey Uniform Housing Affordability Controls pursuant to NJAC 5:80-26-1, et seq., the Town of Hackettstown is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units with the Town of Hackettstown, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 2, the COAH Housing Region encompassing the Town of Hackettstown.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Town of Hackettstown, County of Warren, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

1. All affordable housing units in the Town of Hackettstown shall be marketed in accordance with the provisions herein unless otherwise provided in COAH’s Rules at NJAC 5:93-1, et seq.
2. The Town of Hackettstown has a Prior Round obligation and a Third Round obligation. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low-and moderate-income units, including those that are part of the Town’s current Housing Element and Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
3. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Town of Hackettstown. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
4. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Town of Hackettstown, shall undertake all of the following strategies:
5. Publication of one advertisement in a newspaper of general circulation within the housing region.
6. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
7. At least one additional regional marketing strategy using one of the other sources listed below.
8. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Town of Hackettstown is located in COAH Housing Region 2, consisting of Essex, Morris, Union and Warren Counties.
9. The Affirmative Marketing Plan is a continuing program intended to be following throughout the entire period of restrictions and shall meet the following requirements:
10. All newspaper articles, announcements and requests for applications for low-and moderate-income units shall appear in the Warren Reporter and the Daily Record.
11. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an “as needed” basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Town’s Administrative Agent. All press releases and advertisements shall be approved in advance by the Town’s Administrative Agent.

Advertisements will also be placed on the following websites:

1. Affordable Homes New Jersey-
<http://www.affordablehomesnewjersey.com>
2. Hackettstown municipal website – <http://www.hackettstown.net>
3. New Jersey Housing Resource Center (NJHRC) – <http://www.njhrc.gov>
4. The advertisement shall include a description of the:
5. Location of the units
6. Direction to the units
7. Range of prices for the units
8. Size, as measured in bedrooms, of units
9. Maximum income permitted to qualify for the units
10. Location of applications
11. Business hours when interested households may obtain an application
12. Application fees
13. Newspaper articles, announcements and information on where to request applications for low-and moderate-income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Warren County and the other two of which shall be circulated primarily outside of Warren County but within the housing region.
14. Four or more regional cable television stations or regional radio stations shall be used during the first month of advertising.
15. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
16. Hackettstown Town Municipal Building
17. Hackettstown Public Library
18. Hackettstown Town Website
19. Developer’s Sales/Rental Office
20. Warren County Administration Building
21. Warren County Library (and branches)

Applications shall be mailed by the Administrative Agent to prospective applicants upon request. Also, applications shall be available at the developer’s sales/rental office and shall be mailed to prospective applicants upon request.

1. The administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Essex, Morris, Union and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.
2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Essex, Morris, Union and Warren:
	1. Welfare or Social Service Board (via the Director)
	2. Rental Assistance Office (local office of DCA)
	3. County Office on Aging
3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as follows:

Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing).

**Essex County**Continental Airlines 1 Newark Airport, Newark, NJ

Horizon Blue Cross & Blue Shield of NJ 3 Raymond Plz, W Newark, NJ 07102

Newark Liberty International Airport Newark Airport, Newark NJ

Prudential Financial, Inc. 751 Broad St., Newark NJ 07102

Prudential Insurance 751 Broad St., Newark NJ 07102-3777

Public Service Enterprise Group 80 Park Plz, Newark NJ 07102

University of Medicine/Dentistry Office of Marketing & Media Relations

 150 Bergen Street Room D347, Newark NJ 07103

Verizon Communications 540 Broad St, Newark NJ 07102

**Morris County**

AT&T 295 N Maple Ave., Basking Ridge, NJ and

 180 Park Ave, Florham Park, NJ

Atlantic Health System-Morristown 100 Madison Avenue, Morristown, NJ 07962

 Memorial Hospital

Honeywell 101 Columbia Rd., Morristown, NJ 07960

Kraft Foods 200 Deforest Ave., East Hanover, NJ and

 7 Campus Dr., Parsippany NJ

Lucent Technologies 67 Whippany Rd., Whippany NJ and 475 South St,

 Morristown, NJ and 5 Wood Hollow Rd, Parsippany,

NJ and 24 Mountain Ave, Mendham, NJ

 Mennen Sports Arena 161 Hanover Ave, Morristown NJ

 Novartis Pharmaceutical 59 State Route 10, East Hanover NJ

 Pfizer Morris Plains/Parsippany

 Pfizer 5 Woodhollow Rd, Parsippany and

 175 Tabor Rd., Morris Plains

 St. Clare’s Hospital 130 Powerville Road, Boonton Township, NJ 07005

and 25 Pocono Road, Denville, NJ 07834 and

400 West Blackwell Street, Dover NJ 07801 and

3219 Route 46 East, Suite 110, Parsippany NJ 07054

 US Army Armament R&D 21 Picatinny Arsenal, Picatinny Arsnl, NJ

**Union County**

 A&M Industrial Supply Co 1414 Campbell St, Rahway

 A.J. Seabra Inc. 574 Ferry St., Newark

 Bristol-myers Products Research & Dev 1350 Liverty Ave., Hillside

 Cede Candy Inc. 1091 Lousons Road, PO Box 271, Union NJ

 Comcast Network 800 Rahway Ave, Union, NJ

 HoneyWell Inc. 1515 West Blancke Street, Bldgs 1501 and 1525,

 Linden NJ

 Howard Press 450 West First Ave., Roselle, NJ

 IBM Corporation 27 Commerce Drive, Cranford NJ

 Lucent Technologies 600 Mountain Ave, Murray Hill NJ

 Merck & Co. Inc. 1 Merck Drive, PO Box 2000 (RY60-200E),

Rahway, NJ

 Rahway Hospital 865 Stone Street, Rahway NJ

 Rotuba Extruders, Inc. 1401 Park Ave, South Linden

 Union County College 1033 Springfield Ave, Cranford NJ

**Warren County**

 Hackettstown Hospital 651 Willow Grove St., Hackettstown NJ

 Lopatcong Care Center 390 Red School Lane, Phillipsburg NJ

 Mallinckrodt/Baker, Inc. 222 Red School Lane, Phillipsburg NJ

 Masterfoods USA 800 High Street, Hackettstown NJ

 Pechiney 191 Route 31 North, Washington NJ

 Roche Vitamins 206 Roche Drive, Belvidere NJ

 ShopRite of Greenwich 1207 US-22, Phillipsburg NJ 08865

 Stop & Shop 1278 US-22, Phillipsburg NJ 08865

 Warren Hospital 185 Roseberry St., Phillipsburg NJ

1. Specific notification of the availability of affordable housing units in Hackettstown shall be provided to the following entities:
2. Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08022)
3. New Jersey State Conference of NAACP, Latino Action Network (PO Box 943, Freehold, NJ 07728
4. East Orange NAACP (PO Box 1127, East Orange, NJ 07019)
5. Newark NAACP (PO Box 1262, Newark, NJ 07101)
6. Morris County NAACP (PO Box 2256, Morristown, NJ 07962)
7. Elizabeth NAACP (PO Box 6732, Elizabeth, NJ 07206)
8. The following is a listing of community contact person(s) and/or organizations in Essex, Morris, Union and Warren Counties that will aid in the affirmative marketing program and provide guidance and counseling services to prospective occupants of very low-, low and moderate-income units:
9. Central Jersey Housing Resource Center, 600 First Avenue, Suite, 3, Raritan, NJ 08869
10. Northwest New Jersey Community Action Program Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865
11. A random selection method to select occupants of low-and moderate-income housing will be used by the Administrative Agent, in conformance with NJAC 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2 comprised of Essex, Morris, Union and Warren Counties.
12. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per NJAC 5:80-26-1 et seq.
13. The Administrative Agent shall provide or direct qualified low-and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
14. All developers/owners of low-and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
15. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low-and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
16. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to NJAC 5:80-26-1 et seq.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to add a Western 8’ Plow to the previously approved list of surplus items for sale at Municipal Auction.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Lambo) to adopt the following resolution:

Resolution

WHEREAS, the General Code of the Town of Hackettstown, Chapter 11, Article 1 – Removal of Debris, Plant Growth, Etc. Required authorizes the Department of Public Works to remove debris, brush and obnoxious growth after providing the notice required by the ordinance; and

WHEREAS, the required notice was sent to the below property by certified mail return receipt requested and posted to the property; and

WHEREAS, ten days has elapsed since the notices were mailed and posted; and

WHEREAS, the property owners failed to remove the debris, brush and obnoxious growth within ten days of notice, and

WHEREAS, the Department of Public Works has caused the debris, brush and obnoxious growth to be removed; and

WHEREAS, the Director/Superintendent of the Department of Public Works has certified to the Mayor and Common Council the cost of the removal of the debris, brush and obnoxious growth.

THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Town of Hackettstown as follows:

1. The certification of the costs of removal of the debris, brush and obnoxious growth has been examined and found to be correct.
2. The tax collector is hereby directed that the following costs shall be charged against the land and shall be added to and become part of the taxes next to be assessed and levied upon such land, to bear interest at the same rate as taxes, and shall be collected and enforced by the tax collector in the same manner as taxes:

Property Address Block Lot Property Owner Cost

237 Main Street 71 9 237 Main Hack LLC $887.50

114 Hurley Drive 58 11 John F. Cullinane $662.50

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Engelau) to adopt the following resolution:

Resolution

WHEREAS, the Tax Collector of the Town of Hackettstown has been paid the amount necessary to redeem with interest calculated in accordance with the New Jersey Statutes on property known on the Tax Map and in the Tax Duplicate as the following municipal lien:

 Block 107, Lot 11 732 Washington St

 Tax Sale Certificate #19-00141

 Assessed to: Mendiola, Damaso

NOW THEREFORE, BE IT RESOLVED, on this 14th day of July, 2022 that the Chief Financial Officer is hereby authorized to issue a check for $29,786.30 to the lienholder:

 Fedigan, LLC

 474 Mary Allen Way

 Mountainside, NJ 07092

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to adopt the following resolution:

Resolution

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (NJABC) issued new special conditions on each limited brewery licensee (aka “craft brewery”) in the state beginning Friday, July 1, 2022; and

WHEREAS, under the license conditions, craft breweries are limited to hold 25 on-site activities open to the general public annually, as well as 52 private parties. Breweries can also attend 12 off-premises events, such as town, charitable and holiday celebrations; and

WHEREAS, under these license conditions, craft breweries have restrictions on the types of television programing they can air in their tasting rooms, restricts what types of live or record music they can play or host, limits what food options they can make available to customers, bans the sale of coffee, and prohibits the sale of soft drinks and other non-alcoholic beverages not made onsite at the brewery; and

WHEREAS, according to the national Brewers Association, the one-hundred and forty-one craft breweries operating in New Jersey in calendar year 2021 contributed almost $2 billion to the state’s economy, creating over 11,000 jobs at an annually income of more than $55,000 per employee; and

WHEREAS, Hackettstown is home to two craft breweries: Czig Meister Brewing and Man Skirt Brewing; and

WHEREAS, these new conditions will force these local, homegrown small businesses to rethink business models and closely consider which events they should participate in or host, which will reduce their profits and their opportunities to engage in their communities; and

WHEREAS, visiting these microbreweries is about each of their unique experiences, and these proprietors have found exciting ways to engage other local businesses, vendors and artists in their communities; and

WHEREAS, the Governor and State Legislature should work with breweries to development smart and fair law revisions and regulations that will guide state regulators at the New Jersey Division of Alcoholic Beverage Control on how to oversee the state’s craft beer industry; and

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Hackettstown strongly opposes the New Jersey Division of Alcoholic Beverage Control’s Special Conditions on Limited Brewery Licensees, and requests the conditions be removed immediately; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the Warren County Board of Commissioners, Senator Michael Doherty, Assemblymen John DiMaio and Erik Peterson, the leaders of the New Jersey Legislature and Governor Phil Murphy.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to adopt the following resolution:

Resolution

WHEREAS, pursuant to N.J.S.A. 40A:9-148.1, a municipal tax assessor shall hold a tax assessor certificate provided for in P.L. 1967, c. 44 (C. 54:1-35.25 et seq.) and shall have the duty of assessing property for the purpose of general taxation; and

WHEREAS, Jason Cohen is deemed qualified for the position and has served as Hackettstown Tax Assessor since February 15, 2019; and

WHEREAS, N.J.S.A.40:9-148 provides that every municipal tax assessor shall hold office for a term of four (4) years from the first day of July next following his appointment; and

NOW THEREFORE, BE IT RESOLVED by the Town of Hackettstown Mayor and Council, in the County of Warren, State of New Jersey that pursuant to N.J.S.A. 40:9-148, the appointment of Jason Cohen as Tax Assessor for the Town of Hackettstown, for a four (4) year tenure term track commencing July 1, 2022 and expiring on June 30, 2026 is hereby confirmed.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Engelau) to appoint Karolina Rodrigues to the position of Finance Assistant effective August 1, 2022 at an annual salary of $55,000.00.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to appoint Peter Trusio as Parking Authority Member to the balance of the unexpired term through December 31, 2026.

Roll Call Vote: Yes – Becker, Engelau, Kunz and Sheldon

 Abstain – Lambo

Motion was made (Sheldon) and seconded (Becker) to appoint Heather Baker to the position of Landlord Registration Official effective immediately at an annual salary of $6,000.00.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Lambo) to approve the extended leave of absence for Ann Bell through August 31, 2022.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-12 in the amount of $597,515.74.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Engelau) and seconded (Sheldon) to approve check register #2022-13 in the amount of $1,942,488.49.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Becker) to approve the closure of Madison Street between Center Street and Warren Street of the purpose of a block party to be held on August 6, 2022.

Roll Call Vote: Yes – Becker, Engleau, Kunz, Lambo and Sheldon

Motion was made (Sheldon) and seconded (Lambo) to approve the special event license for the Foundation for Hackettstown Medical Center to hold a Colors for Cancer Run/Walk on September 24, 2022, to waive the $50.00 application fee and to charge no Town costs.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

Mayor DiMaio asked if anyone from the public would like to speak at this time.

Tyler Adams, 294 Hoffman Rd., Port Murray, NJ spoke regarding changing the ordinance regarding the use of minibikes, snow mobiles and other unlicensed vehicles and wanting to bring e-scooters to Hackettstown.

Motion as made (Sheldon) and seconded (Kunz) to adjourn this meeting at 7:26 PM.

Roll Call Vote: Yes – Becker, Engelau, Kunz, Lambo and Sheldon

This is to certify that the This is to certify that all

ordinances and resolutions proper notices, postings and

contained herein have been filings required by the Open

approved by me in accordance Public Meetings Act (Chapter

with law. 231, P.L. 1975) were provided

 for this meeting.

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Gerald DiMaio, Jr., Mayor William Kuster, Jr., Town Clerk