

BOROUGH OF TOTOWA

MINUTES OF THE MAYOR AND COUNCIL

September 11, 2018

PRESENT: Mayor John Coiro, presiding, Council President Lou D'Angelo, Councilwoman Debra Andriani, Councilman Anthony Picarelli, Councilman William Bucher, Councilman John Capo, Councilwoman Lisa Palazzo, Municipal Clerk Joseph Wassel and Municipal Attorney Kristin Corrado.

ABSENT: None.

Mayor John Coiro called the meeting to order and asked the Municipal Clerk to call the roll.

Mayor Coiro asked for a moment of silence in remembrance of all who perished on 9/11, seventeen years ago and for those who continue to die from illnesses related to that fateful day.

Mayor Coiro also announced that Totowa resident Edgar Villanueva who works at the Port Authority has donated a new 9/11 Flag which was hung this morning and will fly on the flag pole by our 9/11 monument in front of the Municipal Complex.

Municipal Clerk Wassel recited the Prayer of the Meeting followed with the Pledge of Allegiance to the Flag with the public participating.

Mayor Coiro asked the Clerk to read the statement of the meeting.

The Municipal Clerk read the following statement: This meeting of the Mayor and Council held on this day is being held in accordance with Chapter 231, P.L. 1975 of the State of New Jersey as amended. The agenda for this meeting has been prepared and distributed to the Mayor and Council and a copy has been on file in the Office of the Municipal Clerk.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to dispense with the regular order of business in order to enable the Mayor and Council to present Sports Award Certificates to the 2018 Passaic Valley Baseball League, Pony Division Champion, Totowa Orioles players and coaches and to hold a public hearing on Ordinance Nos. 14-2018 & 15-2018 as advertised. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro went to the front of the dais and asked Councilman "Coach" Bucher to join him. Mayor Coiro announced that while some of you may have already heard this, it is always nice when one of our Totowa teams defeats another town's team and we are very proud of all of our young citizens and congratulated them on their championship. Mayor Coiro asked Coach Bucher to give a synopsis of the season. Coach Billy Bucher said this is their third championship out of the last 5 years and then gave a synopsis of the season. Mayor Coiro started by calling up each coach and presenting them with a Sports Award Certificate. Mayor Coiro commented that it must be great to have this many coaches. Mayor Coiro continued by calling up each player and presenting them with a Sports Award Certificate. Mayor Coiro then remarked to all the seventh graders that we look forward to having you back next year and for the eighth graders good luck on continued success at the next level. Mayor Coiro announced that there would be a short recess. Pictures were taken.

Municipal Clerk Wassel announced that Ordinance Nos. 14-2018 & 15-2018 have been advertised for public hearing for Tuesday, September 11, 2018.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 14-2018.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 14-2018.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 14-2018 by title:

ORDINANCE NO. 14-2018

**CAPITAL ORDINANCE AMENDING ORDINANCE NO. 11-2018 OF THE
BOROUGH OF TOTOWA, IN THE COUNTY OF PASSAIC, NEW JERSEY**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 14-2018 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read the legal notice and the title of Ordinance No. 15-2018.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to open the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any citizens wished to be heard on Ordinance No. 15-2018.

CITIZENS HEARD:

There were no citizens who wished to be heard.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to close the public hearing. On roll call vote, all members of the Council present voted in the affirmative.

Municipal Clerk Wassel read Ordinance No. 15-2018 by title:

ORDINANCE NO. 15-2018

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY
IN AND BY THE BOROUGH OF TOTOWA, IN THE COUNTY OF PASSAIC,
NEW JERSEY, APPROPRIATING \$400,000 THEREFORE AND AUTHORIZING
THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH
TO FINANCE PART OF THE COST THEREOF**

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to adopt Ordinance No. 15-2018 on second and final reading. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to revert to the regular order of business. On roll call vote, all members of the Council present voted in the affirmative.

Mayor Coiro asked if any members of the Council, the Municipal Clerk or the Municipal Attorney wished to address the Council.

There were no reports.

CITIZENS HEARD:

Mike Mahometa, 269 Lincoln Avenue: 1) Thanked everyone for the great picnic held this past Sunday, even though it rained; 2) Thanked the DPW for coming out and cleaning up a large bush that he had chopped down.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to approve the Minutes of the Mayor and Council for the meeting of August 28, 2018. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON FINANCE:

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to approve Resolution No. 2018-19 for the payment of bills. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilman Picarelli, seconded by Councilman D'Angelo to adopt the following Resolution Certifying That The Governing Body Has Complied With N.J.A.C. 5:30-6.5 Pertaining To The Annual Audit. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 99-2018

RESOLUTION CERTIFYING THAT THE GOVERNING BODY HAS COMPLIED
WITH N.J.A.C. 5:30-6.5 PERTAINING TO THE ANNUAL AUDIT

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 2017 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 sections 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 the 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 a 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 Council of the Borough of Totowa, 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.

COMMITTEE ON PUBLIC SAFETY:

There was no report.

COMMITTEE ON PUBLIC WORKS:

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Authorizing Professional Engineering Services For The 2018 Road Program. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 100-2018

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES
FOR THE 2018 ROAD PROGRAM

WHEREAS, the Mayor and Council of the Borough of Totowa desire to retain the services of a professional engineering firm to provide design services, prepare bid documents, assist in the bidding process and supervise construction of the 2018 Road Program; and

WHEREAS, the Road Resurfacing Program calls for improvements to sections of William Place, Haven Avenue and Roseland Avenue; and

WHEREAS, Richard A. Alaimo Engineering Associates has submitted a proposal dated September 5, 2018 to provide the design, bid assistance and construction supervision services for the roads selected at a cost not to exceed \$33,956.00, a copy of which is on file in the office of the Borough of Totowa Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Totowa on September 11, 2018 did examine the proposal submitted by Richard A. Alaimo Engineering Associates; and

WHEREAS, pursuant to the applicable New Jersey State laws, these professional services may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby accept the proposal submitted by Richard A. Alaimo Engineering Associates for professional engineering services for the 2018 Road Program in the amount of \$33,956.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Richard A. Alaimo Engineering Associates to perform the professional services as set forth in their proposal.

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The 2019 Municipal Aid Application For The Peterson Road, Washington Place And Young Avenue Improvement Project. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 101-2018

RESOLUTION TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2019 MUNICIPAL AID APPLICATION FOR THE PETERSON ROAD, WASHINGTON PLACE AND YOUNG AVENUE IMPROVEMENT PROJECT

WHEREAS, the Borough of Totowa continues to develop projects that will improve access and maintenance on public roads; and

WHEREAS, the Borough of Totowa's Engineer has provided plans specifically designed to address and improve traffic flow/safety issues and maintenance on our roads; and

WHEREAS, the Borough of Totowa has submitted plans to the State of New Jersey, Department of Transportation for Municipal Aid in the past and will continue to do so in the future; and

WHEREAS, the Borough of Totowa has identified Peterson Road, Washington Place and Young Avenue in desperate need of repair.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa, in the County of Passaic, State of New Jersey formally approves the grant application for the Peterson Road, Washington Place and Young Avenue Improvement Project.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as "MA-2019-Totowa Borough-Peterson Road, Washington Place and Young Avenue Improvement Project-00160" to the New Jersey Department of Transportation on behalf of the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Totowa and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Authorizing An Indemnification And Hold Harmless Agreement Between The Borough Of Totowa And Dunkin Donuts In Connection With The New Jersey Department Of Transportation Utility Opening Permit Application. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 102-2018

RESOLUTION AUTHORIZING AN INDEMNIFICATION AND HOLD HARMLESS AGREEMENT BETWEEN THE BOROUGH OF TOTOWA AND DUNKIN DONUTS IN CONNECTION WITH A NEW JERSEY DEPARTMENT OF TRANSPORTATION APPLICATION FOR UTILITY OPENING

WHEREAS, Ashwin B. Prajapati is the owner of the Dunkin Donuts franchise located at 580 U.S. Route 46, Totowa New Jersey 07512 and identified as Block 172, Lot 5 on the official Tax Map of the Borough of Totowa; and

WHEREAS, Ashwin B. Prajapati is proposing to install a new water service through a portion of the Route 46 right-of-way and connecting to the Borough of Totowa's existing water main located approximately 500 feet east of the Dunkin Donuts building; and

WHEREAS, in order to install the new water service, a Utility Opening Permit must be issued by the New Jersey Department of Transportation; and

WHEREAS, pursuant to N.J.A.C 16:41-3.1, all applications for permission to excavate for the purpose of installing service connections within the highway system are to be submitted by utility companies or municipalities; and

WHEREAS, Ashwin B. Prajapati has requested that the Borough of Totowa Water Department execute and submit the required application for a Utility Opening to the New Jersey Department of Transportation on their behalf; and

WHEREAS, the Mayor and Council of the Borough of Totowa will require Ashwin B. Prajapati to enter into an Indemnification and Hold Harmless Agreement prior to executing and submitting the application to the New Jersey Department of Transportation setting forth their terms and conditions for executing and submitting said application.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the Borough of Totowa to enter into an Indemnification and Hold Harmless Agreement between the Borough of Totowa and Ashwin B. Prajapati in connection with the installation of a new water service at 580 Route 46 subject to the aforementioned terms and conditions.

BE IT FURTHER RESOLVED, that the Municipal Council of the Borough of Totowa does hereby authorize the Mayor and Municipal Clerk to execute any and all necessary instruments relating thereto.

BE IT FURTHER RESOLVED, that a copy of the Agreement shall be recorded with the Passaic County Clerk's Office.

There was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to adopt the following Resolution Authorizing The Borough Of Totowa To Execute A Utility Opening Permit Application To The New Jersey Department Of Transportation On Behalf Of Dunkin Donuts. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 103-2018

RESOLUTION AUTHORIZING THE BOROUGH OF TOTOWA TO EXECUTE A UTILITY OPENING PERMIT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON BEHALF OF DUNKIN DONUTS

WHEREAS, Ashwin B. Prajapati is the owner of the Dunkin Donuts franchise located at 580 U.S. Route 46, Totowa New Jersey 07512 and identified as Block 172, Lot 5 on the official Tax Map of the Borough of Totowa; and

WHEREAS, Ashwin B. Prajapati is proposing to install a new water service through a portion of the Route 46 right-of-way and connecting to the Borough of Totowa's existing water main located approximately 500 feet east of the Dunkin Donuts building; and

WHEREAS, in order to install the new water service, a Utility Opening Permit must be issued by the New Jersey Department of Transportation; and

WHEREAS, pursuant to N.J.A.C 16:41-3.1, all applications for permission to excavate for the purpose of installing service connections within the highway system are to be submitted by utility companies or municipalities; and

WHEREAS, Ashwin B. Prajapati has requested that the Borough of Totowa Water Department execute and submit the required application for a Utility Opening to the New Jersey Department of Transportation on their behalf; and

WHEREAS, the Utility Opening application has been reviewed and approved by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Totowa, County of Passaic, State of New Jersey that the Mayor of the Borough of Totowa be and is hereby authorized to execute the New Jersey Department of Transportation Utility Opening application on behalf of the Borough of Totowa.

BE IT FURTHER RESOLVED, that the Municipal Council of the Borough of Totowa does hereby authorize the Mayor and Municipal Clerk to execute any and all necessary instruments relating thereto.

Upon the recommendation of the Committee, there was a motion by Councilman Bucher, seconded by Councilwoman Palazzo to appoint the following five (5) members of the Flood Control Board: Mayor John Coiro (Anthony Zarek, Mayor's Designee), Councilman William Bucher, DPW Superintendent James Niland, Philip Puglise and Amy Coiro. On roll call vote, all members of the Council present voted in the affirmative.

MAYOR'S APPOINTMENTS

I, Mayor John Coiro, with the advice and consent of the Council do hereby appoint myself Mayor John Coiro with Anthony Zarek as my designee, Councilman William Bucher, DPW Superintendent James Niland, Philip Puglise and Amy Coiro as members of the Flood Control Board for a term of one (1) year expiring December 31, 2018.

There was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani to confirm the appointments. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON ENGINEERING & PUBLIC PROPERTY:

There was a motion by Councilman Capo, seconded by Councilwoman Andriani to authorize the Borough Attorney to prepare and the Borough Clerk to advertize for the receipt of bids for the Demolition of the Structure Located at 300 Riverview Drive. On roll call vote, all members of the Council present voted in the affirmative.

A letter was received from the St. James Senior Citizen Club requesting permission to use the Municipal Parking Lot on October 20, 2018 for a trip to Lancaster, PA. There was a motion by Councilman Capo, seconded by Councilwoman Andriani to grant permission. On roll call vote, all members of the Council present voted in the affirmative.

COMMITTEE ON LIAISON & INSPECTION:

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the following Resolution Authorizing The Purchase Of Playground Equipment For The PAL Park. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 104-2018

RESOLUTION AUTHORIZING THE PURCHASE OF
PLAYGROUND EQUIPMENT FOR THE PAL PARK

WHEREAS, the Borough of Totowa Board of Recreation has recommended the purchase of new playground equipment for the Borough of Totowa PAL Park; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase the new playground equipment for the safety and welfare of the children that play in this park; and

WHEREAS, State of New Jersey Contract No. 16-Fleet-00121 has been awarded to MRC, P.O. Box 106, Spring Lake, New Jersey 07762 for the purchase of recreational equipment; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this equipment may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase of new playground equipment for the PAL Park from MRC in the amount of \$23,153.53.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the Borough of Totowa do hereby authorize the Municipal Clerk to execute any and all instruments relating thereto.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the Resolution Authorizing The Installation Of Playground Equipment For The PAL Park. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 105-2018

RESOLUTION AUTHORIZING THE INSTALLATION OF
PLAYGROUND EQUIPMENT FOR THE PAL PARK

WHEREAS, the Borough of Totowa Board of Recreation has recommended the purchase of new playground equipment for the Borough of Totowa PAL Park; and

WHEREAS, by Resolution No. 104-2018 dated September 11, 2018, the Mayor and Council of the Borough of Totowa authorized the purchase of new playground equipment from MRC, Inc., P.O. Box 106, Spring Lake, New Jersey 07762; and

WHEREAS, the Mayor and Council further desire that the new playground equipment be installed in a safe and efficient manner; and

WHEREAS, the Board of Recreation also solicited quotes for the installation of this equipment at the PAL Park; and

WHEREAS, Whirl Construction Inc., 187 Main Street, Port Monmouth, New Jersey 07756 submitted a proposal dated August 16, 2018 to install the new playground equipment for the sum of \$6,200.00; and

WHEREAS, pursuant to the applicable New Jersey State laws, the authorization of this service may be authorized without public bidding since it will not exceed the bidding threshold.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Whirl Construction Inc. to install the new playground equipment for the PAL Park for the sum of \$6,200.00.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize Whirl Construction Inc. to perform the services as set forth in their proposal.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the Borough of Totowa do hereby authorize the Municipal Clerk to execute any and all instruments relating thereto.

There was a motion by Councilwoman Andriani, seconded by Councilman Bucher to adopt the Resolution Authorizing The Purchase And Installation Of Playground Safety Surface For The PAL Park. On roll call vote, all members of the Council present voted in the affirmative.

RESOLUTION NO. 106-2018

RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF PLAYGROUND SAFETY SURFACE FOR THE PAL PARK

WHEREAS, the Borough of Totowa Board of Recreation has recommended the purchase of new playground safety surfacing for the Borough of Totowa PAL Park; and

WHEREAS, the Mayor and Council of the Borough of Totowa desire to purchase and install the new surfacing for the safety and welfare of the children that play in this park; and

WHEREAS, State of New Jersey Contract No. 16-Fleet-00131 has been awarded to Rubber Recycle, 1985 Rutgers University Boulevard, Lakewood, New Jersey 08017 for the purchase and installation of playground safety surfacing; and

WHEREAS, pursuant to the applicable New Jersey State laws, the purchase of this equipment may be authorized without public bidding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Totowa do hereby authorize the purchase and installation of new playground safety surfacing for the PAL Park from Rubber Recycle in the amount of \$61,817.00.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Council of the Borough of Totowa do hereby authorize the Municipal Clerk to execute any and all instruments relating thereto.

COMMITTEE ON LEGISLATION & ORDINANCES:

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve the Application For Social Affair Permit from the State Of New Jersey Division Of Alcoholic Beverage Control for the BPOE #2111 Passaic Valley Elks to be held on September 30, 2018 from 11:00 a.m. – 11:00 p.m. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application Nos. 2107 & 2108 for Angels of Animals, Inc. for a Tricky Tray and On-Premise 50/50 to be held on October 18, 2018 at The Bethwood. On roll call vote, all members of the Council present voted in the affirmative.

There was a motion by Councilwoman Palazzo, seconded by Councilman Picarelli to approve Raffle License Application No. 2109 for the Diane D'Apolito-May Beyond the Rainbow Charitable Foundation for a Casino Night to be held on October 6, 2018 at the Totowa PAL. On roll call vote, all members of the Council present voted in the affirmative.

There being no further business to come before the Council, there was a motion by Councilman D'Angelo, seconded by Councilwoman Andriani that the meeting be adjourned. On roll call vote, all members of the Council present voted in the affirmative.

Joseph Wassel, RMC
Municipal Clerk