

VICTOR TOWN BOARD MEETING MONDAY, OCTOBER 24, 2022

An executive session of the Victor Town Board was held on October 24, 2022, at 6:30 PM in the Supervisor's Conference Room at the Victor Town Hall.

PRESENT: Supervisor Marren, Councilman Cusimano; Councilman Condon, Councilman Kahovec; Councilman Guinan; Rich O'Donnell, Finance Director; Tina Kolaczyk, HR Director (6:40pm departure)

MOTION TO OPEN EXECUTIVE SESSION

Time: 6:30PM

On motion of Councilman Condon, seconded by Councilman Cusimano, the following resolution was adopted.

5 Ayes (Marren, Kahovec, Guinan, Condon, Cusimano) 0 Nays

RESOLVED that the Victor Town Board move to Executive Session to discuss medical, financial, credit or employment history.

MOTION TO CLOSE EXECUTIVE SESSION

Time: 6:53PM

On motion of Councilman Cusimano seconded by Councilman Condon, the Executive session of the Victor Town Board was closed.

5 Ayes (Marren, Kahovec, Guinan, Condon, Cusimano) 0 Nays

RESOLVED that the Executive Session closed, and the Board continued with the regularly scheduled Town Board meeting.

Supervisor Marren called the regular meeting to order @ 7:00 PM.

Everyone was asked to sign in on the attendance sheet, cell phones were requested to be turned off and any private conversations or interviews to be conducted in the hallway or outside. Emergency exits were pointed out. The meeting was also live streamed via YouTube with text commenting available.

Flag Salute

PRESENT: Supervisor Marren Councilman Guinan
 Councilman Condon Councilman Kahovec
 Councilman Cusimano

ABSENT: Supervisor Marren declared Karen Bodine, Town Clerk necessarily absent.

ALSO PRESENT: Kim Reese, Deputy Town Clerk; Frank Pavia, Attorney; Mark Years, Highway Superintendent; Rich O'Donnell, Finance Director; Suzy Mandrino, IT; Steve Metzger, LaBella Associates; David Nankin; Carol Fisher; Joel Carter; Monica Jane Barry-Hamann; Daniel L. Crowley

Public Hearings

Deputy Town Clerk read aloud the Public Hearing Notice

1. 2022 Special Assessment Rolls to collect Victor Consolidated Sewer District Capital Recovery Charges and Capital Improvement Costs, Central Water District Capital Improvement Costs, and Lighting District Operating and Maintenance Costs based on Benefit Formula

Marlene Murnan, Town Assessor reported that questions were received due to the notice that was mailed to residents. There is confusion with these charges and the quarterly usage bill. This charge is on the Town/County tax bill every January to pay for debt, maintenance of water, sewer and lighting. After explaining the charge to residents and the fact that it is not a new tax, there were no complaints.

Supervisor Marren reiterated that the quarterly usage bill from either the Village of Victor or the Town of Farmington Sewer is totally separate from this. This is capital expenses; any monies that were borrowed for capital projects or upgrades (including adding backup generators or refurbishing generators at most pump stations).

The lighting districts are only the districts in the town that actually have lights through RGE. On tonight's agenda for the Town Board's consideration is the after public hearing resolution to include another 15 light poles in Fairways Phase 3.

Finally, the water cost is debt that continues to be diminished and that debt came to this town when we did water improvements many years ago.

Resident comment: Carol Fisher, 632 Wangum (County Road 42) spoke regarding the streetlight that is out by her home. RGE has not responded to her requests to fix this light. Supervisor Marren told Mrs. Fisher to connect with Highway Superintendent Mark Years. Any resident that is having issues with infrastructure, please contact the Town for assistance.

2. Adoption of the 2023 Budget

Rich O'Donnell, Finance Director reviewed some highlights from the budget workshops and listed some of the challenges and how they relate to the budget and the final preliminary before the board tonight. Inflation is a big concern for everybody. It is running at 7% currently and we are concerned with how it will affect 2023 budget. There is a 10% decline in equalization rate (from 99% to 89%) which lowers the total assessment value that we can base the tax levy on. Another challenge were the sewer upgrades - costs were 75% - 100% over the previous last few years. A couple capital expenditure buildings we are looking to possible increase our reserves in the future. Lastly, the goal was certainly to stay within the tax levy and tax cap.

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How were these addressed? Inflation is very difficult to predict, but one of positives we have is the sales tax revenue continues to exceed budget and expectations. Online sales have been a big boom to the town and will offset any issues with inflation we have for 2023.

Regarding sewer infrastructure, we did have to increase the tax rate by 4% for the residents that live in the sewer district. This is the first time since 2018 any increase in sewer rate has been passed on to the residents. Included in this year's budget, we were able to put 2% into reserves for the possible capital purchases or new construction. This was all done with keeping the tax levy the same. There is a slight decline in the tax levy and we are under the 2% tax cap. This was done by having to increase the tax rate from \$1.74 per assessed thousand to \$1.93. This increased the tax levy to the same rates that were in place last year. Residents will not see any increase in their tax amount unless they had some improvements to the property where their normal assessment fees would have gone up.

Example: In 2022, a home with a \$200,000 assessed value at the 99% equalization rate and the \$1.74 per thousand agreement, the tax amount would have been \$346. In 2023, at an 89% equalization rate and the \$1.93 per thousand tax rate, it would be \$344.

In summary, the big goal is to hold taxes, keep the tax levy the same, account for inflation and save some money in reserves for the future to offset any possible future large tax increases that might occur. And we are under the tax cap.

There were no members of the public who wished to speak on the 2023 Town Budget.

MOTION TO CLOSE THE PUBLIC HEARINGS @ 7:00 PM

On motion of Councilman Condon, seconded by Councilman Kahovec the Public Hearings were closed and the regular Town Board meeting reconvened.

APPROVAL OF MINUTES

On motion of Councilman Condon, seconded by Councilman Guinan, the October 11, 2022 Town Board meeting minutes and the Budget Workshop minutes were approved as presented. Motion Carried.

5 Ayes (Marren, Kahovec, Cusimano, Guinan, Condon) 0 Nays

PAYMENT OF BILLS

On motion of Councilman Cusimano, seconded by Councilman Guinan Manifest #20 in the amount of \$229,234.33 was approved. Motion carried.

Documentation for these expenditures can be found on vouchers filed by numbers #20222088-20222194.

General Townwide	\$121,957.26
General Outside Village	13,388.87

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Highway Townwide	93,888.20
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Supervisor Marren reviewed the following expenditures for Manifest #20 that were in the range or exceeded \$5,000.00.

- B & M International LLC – Nov. Rent Courts facility - \$10,275.00
- Bluestone Creek Develop. – Nov. Rent Parks & Rec. facility - \$13,750.00
- Hometown Energy – Unleaded Fuel for September - \$9,276.00
- Integrated Systems – New Door Accesses and Network login upgrades - \$17,640.45
- Macedon Excavating & Paving – RR and DC Paving Projects - \$30,763.02
- MVP Health – November Healthcare Employees/Retirees - \$65,713.32
- Nocco Energy – Diesel Fuel for September - \$10,898.18
- Villager Construction – Milling for RR & DC Projects - \$8,550.00

PRIVILEGE OF THE FLOOR: No formal requests.

Public Comments or Concerns

Report of Town Officials:

- Highway
Supervisor Marren highlighted the drastic crash in the cardboard recycling market - from \$100 per ton in September to \$10 per ton. The highway will be working on the catch basins, drainage work and start stormwater pond maintenance again as weather permits. Swap Shop closes on October 29.
- IT
- Deputy Town Clerk asked if the Board had any objection to the liquor license application for Seasoning Thai Bistro. The Board had no objection.

She also reported that the Pittsford School Taxes have all been collected 100%.

SUPERVISOR'S ANNOUNCEMENTS:

Supervisor Marren wished happy birthday to the town employees with November birthdays and reported town operations will be closed on Veteran's Day, Thanksgiving Day and the day after. Early voting starts on Saturday, October 29 runs through November 6.

Also, there is one walk-in resolution; Authorization to Reimburse Prepayments on Completed or Inactive Planning & Building Chargeback Accounts. This is just the effort from the finance department to continue to be transparent and also continue cleaning up the books.

The Wellness Fair hosted at the Town Hall was very successful. Thank you to the board members that had the opportunity to swing by. There was a lot of positive feedback from residents and vendors, as well as our own employees.

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The board members received the Victor Farmington Volunteer Ambulance September report and Supervisor Marren announced that pumpkins can be recycled at the Victor Transfer Station the weekend after Halloween.

Monday, November 28, 6pm – Joint Village and Town Board meeting and topic will be the Victor Connectivity and Access plan.

The board also received the audit letter from Administrative Judge William Taylor regarding the annual review of town courts.

Saturday, at the Village Hall from 10am to 1 pm, is the Drug Enforcement Administration (DEA) national prescription drug take-back day.

BUSINESS:

RESOLUTION NO. 269 AUTHORIZATION TO REIMBURSE PREPAYMENTS ON COMPLETED OR INACTIVE PLANNING & BUILDING CHARGEBACK ACCOUNTS

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted.

5 Ayes (Marren, Condon, Cusimano, Guinan, Kahovec) 0 Nays

WHEREAS, the Finance Director, in coordination with the Planning & Building Department Project Coordinator, has reviewed developer chargeback accounts with prepayment (credit) balances; and

WHEREAS, several accounts have been identified that have prepayment balances and no further engineering or legal charges are anticipated to apply to against these prepayment balances; and

WHEREAS, the Finance Director and the Project Coordinator agree it is in the best interest of the Town of Victor and the Developer to reimburse prepayments and close these chargeback accounts; now, therefore be it

RESOLVED that upon Board approval the Finance Director will reimburse the developers identified below for any remaining prepaid (credit) balances:

Thirsty Turtle;
FSI Construction;
Stephanie Achilles

RESOLVED that a copy of this resolution will be forwarded to Project Coordinator, Town Clerk and Finance Director.

RESOLUTION NO. 270 AUTHORIZATION FOR THE PURCHASE OF ONE HEAVY DUTY, 30 YARD RECYCLE CONTAINER FOR THE RECYCLE DEPARTMENT

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On motion of Councilman Cusimano, seconded by Councilman Kahovec, the following resolution was adopted.

5 Ayes (Marren, Condon, Cusimano, Guinan, Kahovec) 0 Nays

WHEREAS, the Highway Superintendent has identified the need for one (1) new 30 yard open top container for the recycle department due to the condition and deterioration of the support structures on the current container at the facility used for hauling waste and recyclables; and

WHEREAS, funds are available in the 2022 budget line A.8160.200 Refuse & Garbage Equipment, utilizing funds received from the July 2022 RTI online auction for the sale of a roll off dumpster and a 30 yard open top container totaling \$9,325.00; and

WHEREAS, the requests for proposals were sent out and two quotations were received as follows:

Wastequip	\$5,908.00 (plus \$1,495.00 freight)
Bucks Fabricating	\$7,450.00 (plus \$900.00 freight)

And

WHEREAS, Mark Years, Highway Superintendent, recommends the Town Board accept the quote from Wastequip Fabricating for one (1) new 30 yard open top containers at a cost not to exceed Seven Thousand Four Hundred Three dollars (\$7,403.00); now, therefore, be it

RESOLVED that the Town Board authorizes the Highway Superintendent to purchase one (1) new 30 yard open top containers from Wastequip at a cost not to exceed Seven Thousand Four Hundred Three dollars (\$7,403.00) and further

RESOLVED that a copy of this resolution be forwarded to Mark Years, Highway Superintendent, Fiscal Manager, Town Clerk, and Wastequip.

RESOLUTION NO. 271 PUBLIC SPACE DESIGNATION OF TOWN OF VICTOR PROPERTY

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted.

5 Ayes (Marren, Condon, Cusimano, Guinan, Kahovec) 0 Nays

WHEREAS, The Town of Victor is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Town's employees and the general public who do business with or use the services of the Town; and

WHEREAS, the annexed policy ("Policy") is intended to delineate the portions of Town Property (as defined therein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis; now, therefore, be it

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RESOLVED, each department shall designate their public spaces using the terms, guidelines, and definitions within the Policy annexed hereto; and further

RESOLVED, that copies of this resolution shall be transmitted by the Town Clerk to each Town department.

RESOLUTION NO. 272 AGREEMENT CRISTINA CALDWELL, SPORTS NUTRITION INSTRUCTION

On motion of Councilman Cusimano, seconded by Councilman Guinan, the following resolution was adopted.

5 Ayes (Marren, Condon, Cusimano, Guinan, Kahovec) 0 Nays

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Cristina Caldwell for instruction in sports nutrition for youth, adults and families; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Cristina Caldwell under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a sum of Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) of the recreation program revenues allocated to the Town to be paid from the 2022 Budget Line item A.7020.400 Rec. Admin.Contractual; and further

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney for the Town; and further

RESOLVED that a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Cristina Caldwell.

RESOLUTION NO. 273 REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVER

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted.

5 Ayes (Marren, Condon, Cusimano, Guinan, Kahovec) 0 Nays

WHEREAS, the Town Board adopted the Resolution #234 – Town of Victor Contract Procedures on June 13, 2016; and

WHEREAS, per the Contract Process, contractors and vendors who cannot obtain a Certificate of Liability Insurance which is in accordance with the Town's insurance requirements in order to perform their contracted service for the Town of Victor may appeal to the Victor Town Board for a Waiver of the Certificate of Liability Insurance; and

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WHEREAS, the Town wishes services to be provided by the following vendors, who are requesting the waiver of providing a Certificate of Liability Insurance to the Town of Victor:

Vendor	Activity / Event	Location of Event	Amount of Contract	Duration of Contract	Reason for Exemption
Cristina Caldwell	Sports Nutrition Instruction	Victor Recreation Center	70% / 30%	December 31, 2022	Insufficient Coverage

Now, therefore, be it

RESOLVED that the Town Board grants the Certificate of Liability Insurance Waivers for the following service provider:

Vendor	Activity / Event	Location of Event	Amount of Contract	Duration of Contract	Reason for Exemption
Cristina Caldwell	Sports Nutrition Instruction	Victor Recreation Center	70% / 30%	December 31, 2022	Insufficient Coverage

And, be it further

RESOLVED that a copy of this resolution be sent to Director of Parks and Recreation, Town Clerk, and Cristina Caldwell.

RESOLUTION NO. 274 AUTHORIZATION AFTER PUBLIC HEARING TO ESTABLISH THE FAIRWAYS PHASE 3 LIGHTING DISTRICT EXTENSION

On motion of Councilman Condon, seconded by Councilman Cusimano, the following resolution was adopted.

5 Ayes (Marren, Condon, Cusimano, Guinan, Kahovec) 0 Nays

WHEREAS, the Town Board of the Town of Victor ("the Town") received a request (the "Petition") from Fairview Ponds, LLC (the "Petitioner") for the establishment of the Fairways Phase 3 Lighting District as an extension of the "Fairways Phase 1 & 2 Lighting District, which extension would complete the district along the entirety of Championship Drive in the Town of Victor; and

WHEREAS, on September 1, 2022, the Petitioner along with Passero Associates (the consulting engineers) filed a map, plan and report for the Fairways Phase 3 Lighting District Extension and the boundaries are as follows: the lands comprising lots 530 through lots 607 on Championship Drive in the Town of Victor, which lands are more fully described in the metes and bounds description of which is set forth at in the Map, Plan and Report referred to herein; and

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WHEREAS, the proposed improvements include a total of 15 streetlights and the associated conduit to be installed along Championship Drive within the frontage of 15 lots for this project, as described in the Map, Plan and Report which are on file with the Victor Town Clerk and available for public review; and

WHEREAS, the maximum amount proposed to be expended by the Town for the Fairways Phase 3 Lighting District and associated improvements is the sum of zero dollars (\$0.00), as the Petitioner and/or Rochester, Gas and Electric will pay for the capital cost of the Fairways Phase 3 Lighting District; and

WHEREAS, since there will be no capital cost to the Town for the Fairways Phase 3 Lighting District, no financing will be employed and it is therefore not necessary to obtain the approval of the New York State Comptroller's Office; and

WHEREAS the Victor Town Board met at the Town Hall, 85 East Main Street, Victor, New York, on the 11th day of October, at 7:00 PM for the purpose of conducting a public hearing at which time and place all interested persons had an opportunity to be heard; and

WHEREAS, that the Order for the notice of the public hearing was duly published and posted as required by law; and be it

RESOLVED, that all property and property owners within the proposed Fairways Phase 3 Lighting District are benefitted, and all property and property owners benefitted by the Fairways Phase 3 Lighting District are included within the limits thereof; and be it further

RESOLVED, that the Town Board does hereby approve and authorize the establishment of the Fairways Phase 3 Lighting District as an extension of the "Fairways Phase 1 & 2 Lighting District, which extension would complete the district along the entirety of Championship Drive in the Town of Victor; and be it further

RESOLVED, that the future costs of operation and maintenance of the Lighting District shall be paid on a benefits basis to be levied and assessed against the property therein; and be it further

RESOLVED, that all parcels within the Lighting District benefit equally from the improvements therein, therefore, the operation and maintenance costs shall be shared equally among the parcels within the Lighting District; and be it further

RESOLVED, that maintenance and operation charges will be assessed on a benefits basis against all property within the Consolidated Fairways Lighting District, at a cost estimated to be in the total aggregate amount \$15,000 annually, which estimate is subject to the fluctuations in the price of electricity supplied by Rochester Gas and Electric; and, be it further

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RESOLVED, that the Town Clerk of the Town of Victor shall cause a certified copy of this Resolution to be duly filed with the New York State Comptroller; and be it further

RESOLVED, that the Town Clerk of the Town of Victor shall cause a certified copy of this Resolution to be duly recorded in the Office of the Clerk of Ontario County within ten (10) days of the adoption of this Resolution.

RESOLUTION NO. 275 ADOPT 2022 SPECIAL ASSESSMENT ROLL TO COLLECT SEWER DISTRICT CAPITAL RECOVERY CHARGE, SEWER DISTRICT CAPITAL IMPROVEMENT COSTS, LIGHTING DISTRICT O&M COSTS AND CENTRAL WATER DISTRICT CAPITAL IMPROVEMENT COSTS BASED ON BENEFIT FORMULAS

On motion of Councilman Cusimano, seconded by Councilman Guinan, the following resolution was adopted.

5 Ayes (Marren, Condon, Cusimano, Guinan, Kahovec) 0 Nays

WHEREAS, the Town Board directed the Town Assessor to prepare the 2022 Special Assessment Roll; and

WHEREAS, pursuant to Town Law §239 the Town Clerk caused a notice of Public Hearing regarding the 2022 Special Assessment Roll to be timely noticed and published; and

WHEREAS, a public hearing was held on October 24, 2022 the Town Board reviewed all public comments and objections; now, therefore, be it

RESOLVED that the Town Board affirms and adopts the 2022 Special Assessment Roll dated October 11, 2022 (Water & Lighting & Sewer); and further

RESOLVED that a copy of this resolution be forwarded to the Town Clerk, Assessor, and Director Real Property Tax Services.

RESOLUTION NO. 276 ADOPTION OF THE 2023 BUDGET

On motion of Councilman Kahovec, seconded by Councilman Condon, the following resolution was adopted.

5 Ayes (Marren, Condon, Cusimano, Guinan, Kahovec) 0 Nays

Roll Call Vote: Supervisor Marren Aye Councilman Guinan Aye
 Councilman Condon Aye Councilman Kahovec Aye
 Councilman Cusimano Aye

WHEREAS, the Town Supervisor and Town Board conducted budget workshops on August 29, September 6 and October 11, 2022; and

WHEREAS, the budget preparation process included a complete fiscal evaluation of the Town; and

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WHEREAS, the 2023 budget proposes a tax rate of \$1.93 per thousand dollars of assessed valuation; and

WHEREAS, at the October 11, 2022 regular meeting of the Town Board, a resolution was approved setting the 2023 Budget Public Hearing for October 24, 2022 at 7:00 PM at the Victor Town Hall and live streamed via YouTube; now, therefore, be it

RESOLVED that all comments both written and oral have been heard and the Town Board does hereby adopt the proposed 2023 Budget as the official 2023 Budget for the Town of Victor which is on file in the Town Clerk's Office; and further

RESOLVED that the Town Clerk forward two certified copies of the 2023 Budget along with two copies of each Special Assessment Roll and the Assessor's Impact report to the Clerk of the Ontario County Board of Supervisors; and further

RESOLVED that a copy of this resolution be forwarded to the Finance Director, Town Clerk, Ontario County Real Property, and the Clerk of the Ontario County Board of Supervisors.

RESOLUTION NO. 277 SOUTHGATE HILLS 2 (UTILITY ONLY) RELEASE 3

On motion of Councilman Kahovec, seconded by Councilman Condon, the following resolution was adopted.

5 Ayes (Marren, Condon, Cusimano, Guinan, Kahovec) 0 Nays

WHEREAS, upon Riedman Acquisitions LLC (BRW of Greece LLC) receiving Planning Board approval for the Southgate Hills 2 Subdivision, a Tompkins Community Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure: and,

WHEREAS, in their October 13, 2022 letter, the Town Engineer recommended that One Hundred Thirty-Five Thousand Four Hundred Twenty-Nine dollars and Fifteen cents (\$135,429.15) be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

RESOLVED that the Town Board hereby approves Release **No. 3** on the Tompkins Community Bank Irrevocable Letter of Credit in the amount One Hundred Thirty-Five Thousand Four Hundred Twenty-Nine dollars and Fifteen cents (\$135,429.15) be conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains Two Hundred Forty-Seven Thousand One Hundred dollars and Forty-one cents (\$247,100.41) in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Riedman Acquisitions LLC (BRW of Greece LLC), Finance Director, and Town Clerk.

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Public Comments or Concerns: Daniel Crowley discussed that owners of Gypsum Mills, Horizon Management passes the taxes on to the residents. He discussed the lot rent and the email from Horizon that notified residents the Town demanded them to clean out the pond along Volkman. He questioned why.

Supervisor Marren presumed it is because it is part of the drainage improvement area and the responsibility falls on the landowners.

Mr. Crowley expressed concern over the amount of fees passed along to the residents of Gypsum Mills. Councilman Condon asked if they had HOA representation. (Not officially, since Morgan Management sold the property in 2017.)

ADJOURNMENT:

With no further business to come before the Board tonight, motion was made by Councilman Guinan, seconded by Councilman Cusimano to adjourn the regular Town Board meeting at 7:30 PM.

Respectfully submitted,

Kimberly Reese, Deputy Town Clerk