

VILLAGE OF LAKE ODESSA

MINUTES
REGULAR COUNCIL MEETING
March 19, 2018
PAGE MEMORIAL BUILDING

Meeting called to order at 7:00pm by President Banks.

Pledge of Allegiance.

Council present: Janet Thomas, Karen Banks, Mike Brighton, Mel McCloud, Charles Jaquays, Brandy Walkington

Absent: Mike Rudisill

Staff present: Pearl Goodemoot, Brenton Listerman, Jesse Trout, Jim Valentine

Visitors present: Daryl and Kay Hartzler, Beth Barrone, Patti Caudill, Joseph Morton, Brent Merritt, Judy Scheidt, Doug Stadel

Motion by McCloud, support by Thomas to approve the absence of Mike Rudisill. Motion carried.

Motion by McCloud, support by Walkington to approve the agenda as presented. Motion carried.

PUBLIC COMMENT

There was no public comment on agenda items.

MINUTES

Motion by Thomas, support by Brighton to approve minutes of February 19, 2018. Motion carried.

BILLS

Motion by Thomas, support by Walkington to approve expenditures equal to or less than \$3,000.00 for the period 2/1/2018 thru 2/28/2018. Motion carried.

Motion by McCloud, support by Thomas to approve payment of invoices in excess of \$3,000.00 items as follows:

- a) Modern Design Electrical, LLC - \$4,994.00 – Downtown LED Lights
- b) SLC Meter, LLC - \$10,482.08 – Water Meters
- c) Homeworks - \$3,283.00 – Iron Removal Plant
- d) Modern Design Electrical, LLC - \$5,994.00 – 1/2 Downtown & Park LED Lights

Motion carried.

CONSENT AGENDA

Motion by Brighton, support by Walkington to approve the consent agenda, as follows:

- a) Lake Odessa Library meeting minutes for December 20, 2017 and January 24, 2018

STAFF REPORTS

Police Report: Listerman reported that the 2008 Impala will be auctioned on Thursday and updated council on officers training.

DPW Report: Trout reminded council of the construction bid opening on Thursday at 10:00am. Trout discussed the transmission repair for the 2000 International Dump Truck.

Motion by Brighton, support by Thomas to approve the transmission repairs not to exceed \$8,000.00 at Valley Truck Equipment. Motion carried.

Finance Report: Goodemoot had no update.

COMMITTEE REPORTS:

Personnel/Finance Committee: There was no update.

Recreation/Special Projects Committee: There was no update.

UNFINISHED BUSINESS

Council discussed the Village Manager position applications. Brighton requested to interview Julie Salman, Kevin Gillette and Joe Frey. Jaquays also requested Kevin Gillette. Motion by Banks, support by McCloud to initiate contact with Julie Salman, Kevin Gillette and Joe Frey for interviews. Motion carried.

Motion by Walkington, support by Thomas to approve Fuel Policy Resolution #2018-5. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Walkington, Banks; No: None; Absent: Rudisill. The resolution is as follows:

WHEREAS, the Village of Lake Odessa is the owner and operator of machinery and equipment requiring frequent refueling; and

WHEREAS, fuel credit cards offer a convenient way for Village staff to re-fuel vehicles quickly and efficiently in the course of Village business; and

WHEREAS, the Village Council has determined that it is in the best interest of the taxpayers to establish a comprehensive set of rules and regulations pertaining to the use of fuel credit cards.

NOW, THEREFORE, BE IT RESOLVED that a policy regulating the use of fuel credit cards, attached hereto as Exhibit A, is hereby adopted.

BE IT FURTHER RESOLVED that said policy shall take immediate effect.

**VILLAGE OF LAKE ODESSA
POLICIES & PROCEDURES**

Section: Personnel	Policy Title: Fuel Credit Cards
Resolution #2018-5	Effective Date: 2/19/2018

PURPOSE:

Fuel credit cards offer an efficient way for Village staff to refuel vehicles in the course of Village business, and a way to track fuel purchases and monitor fuel use. The purpose of this policy is to provide rules, guidance and procedures for the use of fuel credit cards.

POLICY:

A. Fuel Card Manager

1. The Village Clerk/Treasurer will be designated as the fuel card manager, and shall be responsible for issuing and cancelling fuel cards, and maintaining a confidential list of employee Personal Identification Numbers.
2. A fuel card may only be transferred to another vehicle by the Clerk/Treasurer.
3. The Clerk/Treasurer will not be an authorized fuel card user.

B. Authorized Users

Employees who are authorized to use fuel cards must sign a statement acknowledging that they have read and understand this policy and the consequences for misusing a fuel card in violation of this policy. The signed statement will be kept in the employee's personnel file.

C. Employee Personal Identification Number (PIN)

1. The employee Personal Identification Number (PIN) is a 4-digit number assigned to each employee who is authorized to purchase fuel. Each employee's PIN is specific to that employee. Employees must enter this number when making a purchase with the fuel card.
2. Employee PINs must be kept confidential. Employees must not share their PIN with anyone else. If an employee suspects another person knows his PIN, he should immediately notify his supervisor.
3. Employees may not, under any circumstances, use a PIN assigned to any other employee.
4. An employee who forgets his PIN must contact the Clerk/Treasurer to obtain a copy. The Clerk/Treasurer will not disclose PINs to other any person.
5. An employee PIN can be used with any fuel card assigned to any Village vehicle.
6. Employee PINs will identify the employee by name on monthly fuel invoices.

D. Use of Fuel Cards

1. Each Village vehicle will be assigned a fuel card that is to be kept in the vehicle at all times. (The only exception is when the vehicle is being repaired and/or is in the custody of an outside vendor. In this instance, the fuel card should be kept by the appropriate department head, and returned to the vehicle once the vehicle is placed back in service.)
2. Fuel cards shall be kept in the glove box or center console of the assigned vehicle. The assigned vehicle must be securely locked whenever the vehicle is not in use in order to limit the opportunity for theft or misuse of the fuel card.
3. Fuel cards must be used to purchase fuel only for the vehicle to which they are assigned.
4. Employees shall only fuel vehicles while they are on duty.
5. A fuel card will be issued to the Public Works Superintendent for miscellaneous equipment-related fuel purchases (e.g., lawnmower, towable air compressor). A log will be maintained to document miscellaneous fuel purchases. At the time of fueling, the employee will record the time and date, type of equipment, number of gallons purchased and total cost.
6. Fuel cards must never be used to purchase fuel for personal vehicles (even in the event that the employee is using his or her personal vehicle for Village use), nor may they be used for personal or non-Village related purchases. Using a fuel card for any purpose other than Village use will be considered theft of Village property.
7. Employees shall notify their supervisor immediately if a fuel card is lost or stolen. The supervisor shall promptly notify the Clerk/Treasurer so that the card may be cancelled. If the card is subsequently found or returned, the card shall be delivered to the Clerk/Treasurer to be destroyed.
8. When using a card, the employee will:
 - a. Swipe the fuel card or insert it into the chip reader;
 - b. Enter the vehicle's odometer reading;
 - c. Enter the employee's assigned PIN; and
 - d. Obtain a printed receipt, which the employee will initial and deliver to his supervisor within one (1) business day.

9. If an employee loses a receipt, the employee will submit a signed statement accounting for the lost information. The signed statement shall be delivered to the employee's supervisor.
10. Violations of this policy will result in one or more of the following:
 - a. Discipline up to and including termination.
 - b. Reimbursement to the Village for unauthorized purchases and any administrative costs associated with unauthorized purchases.
 - c. Limitation on the use of fuel cards and/or termination of the right to use fuel cards.

E. Accounting Procedures

1. When the fuel card statement is received, each department will review all charges, and verify that all charges are accurately recorded, were made for a legitimate Village-related purpose, and were made in conformity with this policy. The Clerk/Treasurer shall be responsible for reviewing and verifying charges for vehicles used by more than one department.
2. Account balances must be paid in full each month, with the exception of disputed charges.
3. The Clerk/Treasurer shall notify the credit card company within five business days of any disputed amounts on the statement.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Thomas to adopt Vehicle Use Policy Resolution #2018-9. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Walkington, Banks; No: None; Absent: Rudisill. The resolution is as follows:

WHEREAS, the Village of Lake Odessa owns certain non-emergency passenger vehicles; and

WHEREAS, said vehicles provide an efficient and cost-effective mode of transportation for Village staff in the performance of their job functions; and

WHEREAS, the Village Council recognizes that said vehicles should be viewed as belonging to the citizens of Lake Odessa and should be utilized solely for the purpose of providing services to those citizens; and

WHEREAS, from time to time Village staff may be required to utilize their personal vehicles in the performance of their job functions; and

WHEREAS, the Village Council believes that a policy should be adopted which governs the use and operation of Village-owned non-emergency passenger vehicles and personal vehicles used for Village business.

NOW, THEREFORE, BE IT RESOLVED that a policy regarding vehicle use, attached hereto as Exhibit A, is hereby adopted.

BE IT FURTHER RESOLVED that said policy shall take immediate effect.

**VILLAGE OF LAKE ODESSA
POLICIES & PROCEDURES**

Section: Personnel	Policy Title: Vehicle Use
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Resolution #2018-9	Effective Date: 2/19/2018
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PURPOSE:

It is the policy of the Village to acquire and maintain non-emergency passenger vehicles ("Village vehicles") for use by Village employees in the performance of their job duties. Village vehicles are not personal vehicles, and may not be used for any employee's personal use or for any use unrelated to a legitimate Village function.

POLICY:

A. Use of Village Vehicles

1. Employees must operate Village vehicles in a lawful, safe, and efficient manner. Proper care in the operation of the vehicle, including observing speed limits, rules of the road, and the use of seatbelts and restraints, shall be observed at all times.
2. All drivers must possess a valid Michigan driver's license.
3. Village vehicles shall be driven for official use only. Personal use of Village vehicles, including commuting between home and work, is not permitted.
4. Village vehicles will be operated only when they are in safe operating condition.
5. At the end of each workday, Village vehicles are to be parked at Village facilities and locked. No Village vehicle shall be taken home at the end of a workday unless specifically authorized by the Village Manager. (*See paragraph A.12.*)
6. No unauthorized drivers may operate a Village vehicle. Non-employee passengers, including family members, are allowed to ride in Village vehicles only if accompanying an authorized employee when the employee is required to be away on extended overnight Village business. Non-employee passengers are authorized to ride in Village vehicles only pursuant to advance approval of the Village Manager.
7. Any malfunction of a Village vehicle, citations and/or infractions shall be reported to the Village Manager within one business day. In the event of a violation of state or local motor vehicle laws, the driver shall be personally liable for any criminal or civil penalty incurred. Drivers shall also provide the Village Manager written proof that tickets received have been paid within the time frame as required by law.
8. Financial assessments related to Village vehicles incurred as a result of a driver's poor judgment, irresponsibility or negligence will be the responsibility of the employee. Such charges or assessments may include, but are not limited to, tow charges, parking tickets, and fines or assessments for moving violations.
9. Employees using a Village vehicle are required to use an approved Village fuel credit account for refueling. Please see the Fuel Card Use Policy for additional details.
10. Employees using a Village vehicle to conduct business outside the Village limits shall record their date of travel, beginning and ending odometer readings, total miles traveled, and reason for travel on a Village-approved log sheet provided for that use. Vehicle log sheets will be filed with the Village Clerk/Treasurer on or before the first day of each calendar month.
11. When utilizing a Village vehicle to travel to and from conferences, meetings, etc., vehicle use shall be limited to travel between the Village and the destination. The vehicle shall be driven over the most direct route, taking into account road and traffic conditions.
12. There may be occasions where an employee's performance of Village-related business may require him or her to drive a Village vehicle to a meeting or event beginning early in the morning or ending late in the evening, such that the employee must either report to a work site outside of his or her normal duty hours.

In such instances, the employee may be authorized to “take home” a Village vehicle with explicit prior approval from the Village Manager. The employee may use the Village vehicle only for such travel that may be necessary to accomplish official Village business.

B. Prohibited Use of Village Vehicles

1. Unauthorized use of Village vehicles is absolutely prohibited. "Unauthorized use" includes, but is not limited to, the following:
 - a. Any use for personal purposes other than necessary or immediately incidental to official Village use.
 - b. Commuting between an employee's work site and home, except as permitted on occasion with approval of the Village Manager. (*See paragraph A.12.*)
 - c. Transport of cargo that has no relation to official Village business.
 - d. Transporting any passenger for a purpose not directly or indirectly related to Village business. Passengers shall be limited to Village employees and individuals directly associated with Village work activity (committee members, consultants, contractors, etc.). (*See paragraph A.6.*)
 - e. Extending the length of time the vehicle is in one's possession beyond that which is required to complete the official purpose of the trip.
 - f. Operating a Village vehicle while under the influence of alcohol, illegal drugs or prescription medications which interfere with effective and safe operation.
 - g. The use of tobacco products while in a Village vehicle, including smoking, smokeless tobacco and e-cigarettes.
 - h. The use of a cellphone or any other electronic equipment while the Village vehicle is in motion, to the extent that such use may result in distracted driving and/or interfere with vehicle operation.
 - i. Operating a Village vehicle without a valid operator's license or while said license is under suspension or revocation.
2. Village vehicles shall not be loaned to any other person, contractors, municipalities, other agencies, other companies or organizations.
3. Any unauthorized use of a Village vehicle may result in disciplinary action up to and including termination of employment.

C. Use of Personal Vehicles

1. When a Village vehicle is otherwise unavailable, an employee may use his or her personal vehicle to conduct Village business. Personal vehicles may be used to conduct Village business only with prior approval of the Village Manager.
2. An employee who uses a personal vehicle for Village business will be reimbursed for mileage at the IRS rate in effect at the time of travel. The mileage rate is intended to include the cost of gasoline, repairs, insurance, and general wear and tear on the vehicle.
3. In order to receive reimbursement for personal vehicle use, the employee shall complete and file with the Village Clerk/Treasurer a Travel Expense Form. The employee shall attach proof of miles traveled, utilizing an online service such as Mapquest or Google Maps. Please see the Fuel Card Use Policy for additional details.

4. Use of the Village fuel credit card to purchase gasoline, motor oil, car washes, etc. for an employee's personal vehicle is prohibited.
5. When a personal vehicle is used for Village business, the employee's insurance on that vehicle shall be the primary insurance. The employee shall have automobile insurance that meets or exceeds the minimum requirements for public liability and property damage.

D. Reporting of Accidents

Whenever a Village vehicle is involved in an accident or is subject to damage, or in the event an employee's personal vehicle is damaged during approved work-related travel, the employee operating the vehicle shall immediately notify the Village Manager. The employee shall complete and provide to the Village Manager an Accident Report Form.

E. Special Circumstances

This policy is intended to provide a basic framework governing the use of Village and personal vehicles and, as such, cannot contain procedures governing every situation that might arise. Employees seeking clarification of or exemption from the provisions of this policy should contact the Village Manager, who will provide clarification and may authorize exceptions to this policy in the event of mitigating circumstances.

RESOLUTION DECLARED ADOPTED.

Motion by Thomas, support by Walkington to adopt the Employee Dignity Policy Resolution #2018-10. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Walkington, Banks; No: None; Absent: Rudisill. The resolution is as follows:

WHEREAS, it is the policy of the Village of Lake Odessa to foster a work environment that enhances productivity and promotes the mutual respect and personal dignity of all Village employees; and

WHEREAS, the Lake Odessa Village Council finds that abusive work environments can have serious consequences for the workplace, including reduced employee productivity and morale, higher turnover and absenteeism rates, and increases in legal, medical and workers' compensation claims; and

WHEREAS, the Lake Odessa Village Council finds that the social and economic well-being of Lake Odessa is dependent upon a healthy and productive workforce; and

WHEREAS, the Lake Odessa Village Council finds that the existing policy regarding sexual harassment is inadequate to fully address issues of harassment in the workplace; and

WHEREAS, the Lake Odessa Village Council finds that the adoption and implementation of an employee dignity policy will promote a healthy and congenial workplace environment and result in a variety of benefits, including improved efficiency and productivity levels, increased employee job satisfaction and morale, and decreased turnover rates.

NOW, THEREFORE, BE IT RESOLVED that an Employee Dignity Policy, attached hereto as Exhibit A, is hereby adopted.

BE IT FURTHER RESOLVED that said policy shall take immediate effect.

BE IT FURTHER RESOLVED that the existing Sexual Harassment Policy is hereby repealed.

**VILLAGE OF LAKE ODESSA
POLICIES & PROCEDURES**

Section: Personnel	Policy Title: Employee Dignity
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Resolution # 2018-10	Effective Date: 2/19/2018
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PURPOSE:

The Village is committed to maintaining a work environment that fosters dignity and respect among all employees. Every Village employee has the right to work in an environment free from harassment, discrimination, and unprofessional conduct.

POLICY:

All Village employees are expected to conduct themselves with dignity, respect, and professionalism towards fellow employees, the citizens of the Village, and all other people who may have contact with the Village.

Harassment of employees, residents, contractors, visitors, or any other person will not be tolerated. This policy includes – but is not limited to – harassment that is based on protected legal characteristics such as sex, race, color, religion, sexual orientation or identity, national origin, age, height, weight, marital status, pregnancy status, military or veteran status, genetic information, physical or mental disability, citizenship or immigration status.

This policy prohibits all forms of physical acts or conduct, attempted acts, statements, gestures, jokes, written or graphic material, e-mail or other communications, that are harmful, offensive, derogatory, abusive, insulting, threatening, or intimidating. Violation of this policy will result in disciplinary action up to and including termination of employment.

One form of conduct that is prohibited by this policy is harassment based on sex. The following description of sexual harassment illustrates the types of behavior that will be considered to be harassment. Sexual harassment includes, but may not be limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, where:

- (1) submission to this conduct becomes a condition of any person's continued employment with the Village;
or
- (2) submission to or rejection of this conduct becomes the basis for employment decisions affecting any person; or
- (3) this conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

The Village also expects all employees to conduct themselves professionally while at work. Unprofessional conduct is conduct of any type which is inappropriate in the workplace or demeaning towards others, as such conduct may be identified by the Village in its sole discretion. In determining whether or not conduct is inappropriate or unprofessional, the Village will rely on its discretion and common sense as applied in light of the facts of the situation, as well as the need to maintain a positive and efficient workplace. Unprofessional conduct includes, but is not limited to, the types of conduct described above, even if such conduct may not necessarily be unlawful. Employees who have engaged in such unprofessional conduct may be disciplined up to and including termination.

Each employee is responsible to ensure that his or her behavior complies with the standards expressed in this policy. Behavior that is harassing or unprofessional toward others will not be excused simply because the actor or actors did not intend any harm or offense.

Employees who are witnesses to, or who are subjected to, any form of discrimination, harassment, or unprofessional conduct, are required to immediately notify a supervisor or Village official to report the conduct. A supervisor or other Village official should also be notified even if witnessed conduct in violation of this policy is perpetrated by a person who is not employed by the Village. Depending on the circumstances and nature of the conduct a reporting employee may see or be subjected to, reports may also be directed to the Village Clerk or President as appropriate.

Each report will be given serious consideration and investigated promptly. Reports and investigations will be handled with discretion, and appropriate corrective action will be taken. Retaliation against anyone who has lodged a conduct complaint, has expressed a concern about workplace conduct or professionalism, or has cooperated in an employer investigation, is prohibited by this policy. The initiation of any complaint made in good faith shall not be grounds for

disciplinary action by the Village. Village employees who make complaints that are proven to be intentionally false may be subject to disciplinary action, however, up to and including termination.

This policy does not prohibit (nor will it be applied so as to restrict) the lawful exercise of any right guaranteed by state or federal law.

RESOLUTION DECLARED ADOPTED.

NEW BUSINESS

Motion by McCloud, support by Thomas to remove Mark Bender from the Planning Commission. Motion carried.

Motion by Walkington, support by Thomas to adopt Water Rates Resolution #2018-12. Motion carried with the following roll call vote: Yes: McCloud, Jaquays, Thomas, Brighton, Walkington, Banks; No: None; Absent: Rudisill. The resolution is as follows:

WHEREAS, Section 34-54 of the Code of Ordinances, Village of Lake Odessa, Michigan, provides that rates and fees to be charged for service furnished by the Lake Odessa water supply system shall be as set by resolution of the Village Council; and

WHEREAS, the Village Council has reviewed existing rates and fees;

NOW, THEREFORE, BE IT RESOLVED that the following rates and fees are hereby established:

- 1) Resident Water Rates
 - a) Service demand charge: \$15.00 per quarter
 - b) Usage charge: \$3.61 per 1,000 gallons or portion thereof
- 2) Non-Resident Water Rates
 - a) Service demand charge: \$15.00 per quarter
 - b) Usage charge: \$7.22 per 1,000 gallons or portion thereof
- 3) Flat Rate Non-Metered
 - a) Service demand charge: \$15.00 per quarter
 - b) Residential Usage charge (based on REU 13,000 gallons): \$45.50
 - c) Commercial Usage charge (based on REU 13,000 gallons): \$91.00
- 4) Turn-On and Turn-Off Fees
 - a) At customer request: \$10.00
 - b) When necessitated by non-payment: \$20.00
- 5) Connection Fees
 - a) 2" service: \$1,500 plus \$27.50 per linear foot
 - b) 1 ½" service: \$1,500 plus \$24.50 per linear foot
 - c) 1" service: \$1,500 plus \$22.00 per linear foot
 - d) ¾" service: \$1,500 plus \$20.00 per linear foot
 - e) Commercial/Multiple Dwelling connections (1" and larger): add \$350.00 per residential unit
 - f) Service larger than 2" (if available): negotiable
- 5) Meter Installation Fees
 - a) Current cost to restock inventory on all materials used for installation of meter

- 6) Final Reads
 - a) At customer request: \$10.00

- 6) Late Fee
 - a) Any bill not paid when due shall be deemed delinquent and be subject to a delinquency charge equal 10% of the amount of the bill or \$5.00, whichever sum is greater. No additional interest shall accrue.

- 7) Cash Deposit for Responsible Tenants
 - a) Deposit of \$300, refundable when responsibility of the account is transferred to a new party

- 8) Non-Sufficient Fund Check Fee
 - a) Fee of \$35 per check, in addition to the applicable late fee.

- 9) Billing Schedule
 - a) Water charges shall be billed quarterly and due and payable to the village on the last day of billing month: January 31, April 30, July 31, and October 31.

BE IT FURTHER RESOLVED that the above-referenced rates, fees, and billing schedule shall become effective 30 days after the adoption of this resolution.

RESOLUTION DECLARED ADOPTED.

Motion by McCloud, support by Thomas to approve the purchase of a 2019 Ford F550 from Signature Ford in the amount of \$50,531. Motion carried.

Motion by Brighton, support by Walkington to approve the purchase of a 2019 F250 from Borgman Ford in the amount of \$19,723.82 with a trade-in amount of \$10,500 for the 2008 GMC Sierra. Motion carried.

Goodemoot informed council that the Clark Street property bidder for parcel 34-101-090-000-065-40 would like to complete the sale that was never executed. Goodemoot stated the bidder has been able to secure financing for the property. Council discussed and wished to obtain legal counsel before proceeding with the sale.

Council discussed the police garage project. Motion by McCloud, support by Jaquays to withdraw the USDA Police Garage application and not utilize the funds allocated. Motion carried.

Motion by Walkington, support by Brighton to approve the Code of Ethics and Conduct as presented. Motion carried.

Motion by McCloud, support by Thomas to approve an additional \$50,000 for water meters. Motion carried.

TRUSTEE COMMENTS

McCloud wished everyone safe travels for the Easter holiday.

Jaquays had no comment.

Thomas reminded council of the Easter Egg Hunt in the park.

Brighton had no comment.

Walkington had no comment.

Banks thanked staff for their hard work.

PUBLIC COMMENT

Beth Barrone asked what the threshold was for the village to obtain bids. Banks stated that purchases over \$3,000 were approved by council and all village expenditures were reviewed and approved by council.

Daryl Hartzler praised Lake Odessa and stated he was honored to live in Lake Odessa.

Brent Merritt thanked Goodemoot for her service to the village.

Joseph Morton inquired about a neighbor's fence in the right-of-way. Banks asked for his contact information to be shared with her after the meeting.

Motion by Thomas, support by Walkington to adjourn the meeting at 7:58pm.

Respectfully submitted,

Pearl Goodemoot
Village Clerk / Treasurer