

League of Women Voters/Larchmont-Mamaroneck  
Town Clerk Study and Report following Consensus Meeting

STUDY QUESTION: SHOULD THE POSITION OF MAMARONECK TOWN CLERK REMAIN AS AN ELECTED POSITION OR BECOME AN APPOINTED POSITION UNDER THE TOWN COUNCIL?

Study Conclusion: The Mamaroneck Town Clerk position should remain an elected position.

Framework: In the summer of 2022, the Town Board announced a meeting to discuss changing the Town Clerk position from elected to appointed. The item was dropped from the Town Board meeting agenda that night, without prior notice. However, the Board of the League of Women Voters of Larchmont-Mamaroneck (LWV/LM) decided a study (the “Study”) should be undertaken so that the LWV/LM would have an official position if the Town Board decided in the future to put the issue before Town voters. The Study was performed in 2022-2023 with a LWV/LM Study committee consisting of Marlene Kolbert, Anne McAndrews, Louise Perez and Beth Radow.

Structure of Town Government: Currently, the Town government is headed by an elected Town Supervisor and a four-member Town Board which appoints the Town Administrator and the department heads to run the operations of the Town. The Town Clerk, custodian of all Town records, books and papers of the Town, is an elected position. The Town Clerk runs the office independently of the other Town departments. The Town provides office space and the budget to run the Town Clerk’s office. Fees collected by the Town Clerk’s office are reconciled and transferred into the funds of the Town.

Study: The Study members researched the issue presented by the Study question and interviewed and spoke with Westchester County clerks and other knowledgeable people in state government, as described in this report. Following its research and interviews, the Study committee recommended that the Town Clerk should remain an elected position. The Study is attached hereto as Schedule A.

Prior to commencing the Study, Louise Perez and Beth Radow reviewed Town Law and specifically the Town Clerk’s duties.

Interviews were held with:

Christina Battalia, former TOM Clerk who did not want to change to appointed position.  
Nancy Seligson, former TOM Supervisor who favored change to appointed Clerk.

Linda Laird, Clerk of the Town of Eastchester who basically said, “if it ain’t broke, don’t fix it.” Marlene Kolbert took notes from our meetings with the above-referenced people.

Invitations were extended to speak with the NYS Clerks’ office; however, the Clerk’s office denied the requests with the explanation that they talk only to elected officials. Under the League of Women Voters’ procedure, a consensus meeting is necessary for this Study to become the official position of our local LWV/LM League. The Study committee met together several times to review our information and plan for the consensus meeting.

In conjunction with the Study, Beth researched advisory opinions of the NYS Department of State’s Good Government Division. Beth reviewed opinions that involved Freedom of Information (FOIL) requests sent to towns that town officials or administrators sought to circumscribe or circumvent. The advisory opinions identified the right of access to the information and lack of transparency potentially due to a conflict of interest or reluctance to share information that might reflect poorly on a town official or administrator.

Louise organized for review by the Study committee the information the Study committee learned from the committee’s interviews and compiled the information into a Study grid report presenting the pros and cons of the Town Clerk as an elected position or appointed position, as the case may be.

#### NOTICE OF CONSENSUS MEETING

On December 1, 2023, a letter was sent by the Study committee to LWV/LM members residing in the TOM inviting them to the consensus meeting (NYS League informed the Study committee that only affected members could participate in the consensus). A copy of the Study report was sent with the invitation.

#### CONSENSUS MEETING: Thursday January 11, 2024

The consensus meeting took place with paid-up League Members able to attend on January 11, 2024, at the home of Elaine Chapnick and David Chapnick in Larchmont, New York.

Kathy Meany, President of the Westchester ILO of the League of Women Voters and a resident of Ossining, presided as the consensus moderator.

The meeting was attended by the following paid-up LWV/LM members:

Christina Battalia, Dolores Battalia, Caroline Birenbaum, Jean Marie Brescia, Elaine Chapnick, David Chapnick, Hannie Corten, Sabrina Fiddleman, Andrea Hirsch, Peggy Jackson, Phyllis Kaskel, Marlene Kolbert, Lauren Lambert, Allison May, Anne McAndrews, Louise Perez, Beth Radow, Terry Toll and Catherine Wachs.

CONSENSUS TOPIC: SHOULD THE POSITION OF TOWN CLERK REMAIN AS AN ELECTED POSITION OR BECOME AN APPOINTED POSITION UNDER THE TOWN COUNCIL?

Marlene Kolbert thanked the Chapnicks for hosting the consensus meeting and introduced Kathy Meany. Marlene gave a review of the study's genesis, as described above in the section titled Framework. Marlene further described how the Study was conducted, as described above.

Christina Battalia, the former Town Clerk, made the first remarks to correct and update the Study on the ramifications of changing the Clerk's position from elected to appointed by the Town Council. Christina stated that the consensus participants could evaluate the pros and cons and have no clear winner; instead, she characterized the differences as nuance (excerpts follow): "The office of the Town Clerk doesn't fit administratively into a neat box, and I think that's the point. The administration perceives the election of a Town Clerk as an antiquated and now irrelevant form of Town government. But the fact that the elected Town Clerk has had such a long history, I think speaks to its relevancy, and ultimately in the electorates understanding of its inherent importance in being elected. I believe by making this an appointed position, it is, for lack of a better phrase, a dumbing down of the position, reducing it to its clerical functions. Whereby losing the relevancy in its nuances."

Christina noted that since the completion of the Study, changes have been made to make payment processing to the Clerk's office more in line with the Town's system.

"I see this as a dramatic and unnecessary change, which has not clearly been defined beyond its purpose as streamlining the organizational chart."

Christina further clarified that at no time during the COVID pandemic did people in her office get paid to work from home (contrary to remarks issued last year by the Town administration). She stated that her staff were allowed to use accrued time off and once the Town administration created three-day work week and an alternating A/B staffing schedule, her staff followed this schedule. These schedules were logged and filed in the HR department of the Town Administrator's office, as was required by all department heads. Christina Battalia's comments in their entirety are attached hereto as Schedule B.

Beth asked the consensus meeting attendees to evaluate the items presented at the meeting in the context of whether it benefits or burdens them as residents. In addition, Beth read the following section of town Law to highlight the connection between the Town Clerk, information held by Town government and the public's access to government information. "Pursuant to New York State's Town Law (Chapter 62, Article 3, Section 30, titled, Powers and duties of town clerk: 'The town clerk of each town: 1. Shall have the custody of all the records, books and papers of the town. He shall attend all meetings of the town board, act as clerk thereof; and keep a complete and accurate record of the proceedings of each meeting, and all propositions adopted

pursuant to this chapter...’ Section 30 in its entirety is attached hereto as Schedule C.  
Louise Presented the study.

Louise explained how the published Study organized the information from the Study committee’s research and interviews and briefly summarized the Study.

While not required by League protocol, the LWV/LM made available to all participants for review prior to the presentation, consistent with the in-person request by League member and Town Council member Sabrina Fiddleman, a memorandum outlining the Mamaroneck Town Board’s position seeking conversion of the Town Clerk from an elected position to an appointed position.

Kathy Meany was introduced and led the discussion, giving an opportunity to all attendees to share their comments. The participants’ comments are presented below.

Sabrina Fiddelman, a current Town Council member and longtime LWV/LM member stated the Town Board’s reasoning for wanting to change the Town Clerk position from an elected one to one appointed by the Town Board. Historically in New York State, going back 350 years, the Clerk was a very important position handling most of the Town’s services. The benefit today would be a more modern form of government for all Town services in a streamlined corporate system if the Clerk’s office were aligned under the Town’s organizational structure. There would be more oversight of the Town Clerk by the Town Board and the Town Administrator. Sabrina further stated that operational changes to the Clerk’s office could be effectuated more quickly. Sabrina made the additional point that clerks in New York’s villages and cities are appointed, not elected. In response to a question posed in the Town’s memorandum, the Study committee noted that no change in the Larchmont and Mamaroneck Villages’ organizational structure is being suggested as a part of the Study.

Sabrina responded, when asked, that no additional costs would be incurred by taxpayers in connection with changing the Clerk position from elected to appointed unless a special referendum were put before voters outside of a normal election cycle.

Since elected Town clerks serve a four-year term, removing a Clerk from office can occur if voters decide to vote a Town Clerk out of office in an election; this could potentially take up to four years until the end of the Clerk’s term. It was pointed out that the Town Board could at any time propose a referendum, with the requisite public hearings, to change the Clerk’s position to

an appointed one if the Town Board determined the Town would be better served by an appointed Clerk.

Dolores Battalia, who served as the Town Supervisor in the 1980's, pointed out that historically the Town has been well served by its elected officials. Dolores added that it is not easy to remove a poor-performing employee of the Town; it is a lengthy, unpleasant process that the Town Board is reluctant to take on.

The complexion of the Town Council changes every two years with the potential ramification that the position of an appointed Clerk could become political. The back and forth could create instability.

The pool of potential candidates for Town Clerk is currently limited to the Town since Town Law requires an elected Clerk to live in the Town. In addition to being readily available to issue licenses and perform other Clerk functions, a local resident Clerk or deputy Clerk knows people in the community, local streets and has first-hand familiarity with Town culture and issues. While having the Clerk appointed would dispense with the legal requirement and therefore expand the pool of qualified candidates to people outside the Town, those candidates would have less familiarity with the day-to-day local community culture. So far, the political parties have always been able to find qualified candidates within the Town.

It was noted that in the context of Town Elections, Town residents are frequently uninformed about candidates running for office. In fact, The LWV Voters produces Vote 411, which is a candidates' guide. Of the Town Officials running for elected office in November 2023, Allison May was the only one who responded and submitted information to the LWV Voters Guide.

Freedom of Information Requests (FOIL) – The Town Clerk is typically the person designated to handle FOIL requests, although another Town officer could be designated for this function. The Clerk is the most logical person because pursuant to Town Law the Town Clerk is the designated custodian of the Town Board's meeting minutes and keeps all Town books, records and papers.

A Town Clerk elected independently of the Town Board provides a check and balance on the other elected officials and away from the consolidation of power in Town government. An elected Clerk can advocate for a position without worrying about repercussions to holding her job. Conversely, an appointed Clerk could be influenced by other Town officials in the timing and scope of information disclosed pursuant to a FOIL request or otherwise placed in a difficult position to assert an independent stand because the Clerk determines that she/he does not have an independent voice. The current Town Clerk, Allison May, reinforced this point by reporting that

during her tenure as Clerk she has been asked to attend meetings with the Town Supervisor, Town Attorney, Town Administrator (and perhaps others) in connection with FOIL requests and noted that her decision to press for disclosure of information, as she has, could be compromised if Town Clerk became an appointed position. Ms. May offered that changes can be made (as with updating the computer software—see Recommendation #3 of the Study) without changing the elected position to an appointed position, she also noted that she takes seriously her oath of office.

It was noted that League founders and others who came before us risked their lives to establish the right of women to vote and that the vote itself has great value; it provides a voice. Why, in that case, would it make sense for a voter to relinquish the right to vote absent a compelling reason?

After discussion and all consensus participants had an opportunity to speak, Ms. Meany called for a sense of the group; a consensus was reached to make the official position of the League of Women Voters of Larchmont-Mamaroneck that the position of the Mamaroneck Town Clerk should remain an elected position.

SCHEDULE A

June 12, 2023

LEAGUE OF WOMEN VOTERS OF LARCHMONT-MAMARONECK

STUDY OF WHETHER THE OFFICE OF MAMARONECK TOWN CLERK SHOULD REMAIN ELECTED OR BE AN APPOINTED POSITION OF THE TOWN BOARD

Submitted on behalf of Marlene Kolbert, Anne McAndrews, Louise Perez, and Elisabeth Radow

INTRODUCTION

The League of Women Voters is an organization promoting democracy and is not inclined to take elections away from the public. When a proposal was made at a Mamaroneck Town Board meeting in June 2022 on the matter, the Larchmont-Mamaroneck League thought it was an issue meriting a study. Currently, the Town Board is not considering a proposal to change the Clerk’s position to an appointed one.

**See Notes on methodology and due diligence for our research at the end of this report.**

DUTIES OF TOWN CLERK

- Licensing agency for New York State (marriage, death certificates, etc.)
- In charge of most town records, issues certain licenses and permits, files reports with county and State agencies as required, posts legal notices, and is, in many ways, a pivot around which the town operates
- The Town Clerk is also clerk of the Town Board but has no vote; takes minutes for Town Board meetings.
- Records management (Board minutes, archives, records laws & regulations, provides time frames for setting meetings and public hearings).
  - Beholden to Board to know laws of the Town and New York State.
  - Answers the public’s questions regarding laws and permits.
- Sets policy for Clerk’s Office and appoints deputies.

PRO/CON ELECTED

PRO/CON APPOINTED

1	The Clerk is responsive and accountable to the public; invested personally in the community; views herself/himself as a professional and a public servant.	The Clerk would be an employee of the Town and report to the Town Administrator like any other Town department head. Appointment of a Clerk would be a check on someone who does not perform his/her duties well.
2	With one exception (New Castle), all Towns elect their Clerk in Westchester. The majority of Town Clerks in NYS are elected.	

3	The Clerk can be voted out of office if performs poorly.	If the Clerk performs poorly, he/she can be terminated by Town Administrator without having to wait for the next election.
4	Law requires Clerk, as an elected official, to live in the community and therefore would be available to perform services under most circumstances.	Candidate base for hiring a Clerk could be broader if he/she lives in another community.
5	Town Clerk duties involve oversight of public records and protecting their access by the public through the Freedom of Information Act.  (New York State Department of State Committee on Open Government: <a href="https://docsopengovernment.dos.ny.gov/coog/ftext/fl6144.htm">https://docsopengovernment.dos.ny.gov/coog/ftext/fl6144.htm</a> )	Public access for records through the Freedom of Information Act would be overseen by the Town Supervisor/Administrator.
6	Given the nature of the Clerk's duties she/he manages her/his staff and sets policy for operation of her/his Office independent of other departments of Town. For example, during the Pandemic, Town Offices remained open to the public with staff staggering their workdays, whereas the Clerk's Office staff were allowed to work from home though available to the public on an "as needed" basis; the Clerk was in every day.	The Town Administrator would have control over how the Clerk manages her/his office in a more corporate structure, therefore potentially creating an overall smoother operation of Town services. A unified structure would potentially reduce staff friction due to the perceived inequities of a dual management structure as evidenced during the Pandemic.
7	The Clerk views herself/himself as a public servant professional, working late if necessary, taking on extra functions and taking pride in serving the public. (E.g., the Clerk accommodated a military personnel couple who needed a marriage license on Thanksgiving Day.)	The Clerk would be subject to the same Town rules, benefits and limits as other department heads.
8	For the annual Town budget, the Clerk provides proposals for its Office to the Town Board.	The Clerk's Office budget is reviewed by the Town Board and included in the overall budget.  The Clerk's salary is set by the Town.  The Town determines the workspace for the Clerk's Office.
9	Fees collected by the Clerk's Office are accounted for and turned over to the Town Comptroller.	Accounting for fees collected by the Clerk's Office theoretically could be simplified with a unified software system with the Town. (See Recommendations below.)



1 0	Fewer oversight responsibilities for Town Administrator if the Clerk's Office is independent of other Town departments.	All duties of the Clerk would be overseen by the Town Administrator.
1 1	The Town Clerk is frequently the first to receive in person constituent questions, complaints, etc.	Complaints would be directed to the Town Supervisor and Administrator.
1 2	Independent voice. The Clerk views her/his primary responsibility to the public as her/his constituency.	The Town Clerk's independence would be lost. The Town Administrator would have additional control.
1 3	The Clerk records laws and is beholden to residents on recording laws properly.	
1 4	The Clerk can implement improvements to make the office more efficient.	Town Board and Administrator to make changes and institute changes as they see necessary.
1 5	The Clerk brings attention to laws that need to be changed. For example, the Mamaroneck Town Clerk took the initiative in codification of the Town's traffic laws.	
1 6	County Clerks have monthly meetings for training and exchange of ideas. Clerks also may get NYS certification by doing a higher level of training through the International Institute of Municipal Clerks.	Professional meetings take time away from local office responsibilities and have added costs.
1 7	The Town Clerk no longer has a role in overseeing elections in the Town other than recommending election sites to the County Board of Elections. (Formerly the Clerk ran elections in the Town.)	The Town Administrator or Board would have a say in recommending election sites though final determination is made by the County Board of Elections.
1 8	To change Clerk's Office to an appointed position would require public hearings and expense of a referendum to be voted on by voters.	

#### RECOMMENDATIONS

- 1) Study group recommends that the Town maintain the position of Town Clerk as an elected position.
- 2) Encourage the Town Board to have at least one of the Clerk's deputies be a Town resident.
- 3) The Town should investigate the possibility of unifying the software systems for the finances of the Town and Clerk's office.
- 4) For more efficient government, a periodic review of the functioning of the Clerk's Office should be undertaken to work out any issues.
- 5) The Clerk's office should maintain the public's access to public records as a priority.

NOTES:

1. Reviewed the applicable NYS law on Town Clerks and reviewed custom and practice of Town Clerks:
  - a. New York Consolidated Laws, Town Law Chapter 62, Article 3, Section 30. Powers and Duties of Town Clerk- <https://www.nysenate.gov/legislation/laws/TWN/30>
  - b. Fiscal Responsibilities of Town Clerk from Office of the NYS Comptroller: (Town Law, Section 30).<https://www.osc.state.ny.us/node/108621> (p.11)
  - c. New York State Town Clerks Association (NYSTCA): <https://www.nystca.com/> (Subsections)
    - (i) History of the NYSTCA <https://www.nystca.com/183/History>
    - (ii) Regional Training by NYSTCA Committee on Open Government: <https://docsopengovernment.dos.ny.gov/coog/ftext/f16144.htm>  
[nystca.com/195/Regional-Training](https://www.nystca.com/195/Regional-Training)
2. Persons contacted and interviewed for the study were: Jaine Elkind Eney, current Town Supervisor; Christina Battalia, Former Town Clerk; Suzanne Kavic, LWV of New Castle; Linda Laird, Town Clerk of Eastchester; Nancy Seligson, Former Town Supervisor
3. Persons contacted but unavailable when contacted for interviews: Steve Altieri, Former Town Supervisor; Lori Mithlin, NYS Association of Town Clerks, was contacted but unwilling to be interviewed.

Study Group: Marlene Kolbert, Anne McAndrews, Louise Perez, Elisabeth Radow

## SCHEDULE B

I am Christina Battalia, and I served as Town Clerk for 17 years. I retired from this position in 2021.

I do apologize in advance that I am not able to stay longer but I had a previous engagement with my son and it was an event I could not change.

I thank the League for addressing this important issue. Should the Town decide to move forward in asking the residents to vote on a change in the position of Town Clerk, the residents should fully understand the ramifications of removing an existing elected office.

We could go back and forth on pros and cons and at the end of the list there might not be a clear “winner”.

I think that is because the difference is more nuanced, a philosophical difference.

The office of the Town Clerk doesn't fit administratively into a neat box, and I think that's the point.

The administration perceives the election of a Town Clerk as an antiquated and now irrelevant form of Town government. But the fact that the elected Town Clerk has had such a long history, I think speaks to its relevancy, and ultimately in the electorates understanding of its inherent importance in being elected.

I believe by making this an appointed position, it is, for lack of a better phrase, a dumbing down of the position, reducing it to its clerical functions. Whereby losing the relevancy in its nuances.

Those nuances are in the Clerk's ability to be relevant and accountable to town residents and to the Town administration.

A nuance in being held to a higher standard which is not always clearly defined on paper. And doesn't always fit administratively into a neat box.

I see this as a dramatic and unnecessary change, which has not clearly been defined beyond its purpose as streamlining the organizational chart.

Before I leave, I do want to make one important clarification of the comments that were issued last year by the Town administration. Specifically, there are inaccuracies in the reporting of how my office functioned during COVID.

I want to be absolutely clear, at no time did any one of my staff get paid to work from home. In the first few weeks of the pandemic, I did allow my staff to use accrued time off i.e., vacation, personal and sick days. Meaning if they did not come to work, they would be using their accrued time off. After the Town administration created a three-day work week and an alternating A/B staffing schedule, my staff followed this exact schedule. These schedules were logged and filed in the HR department of the Town Administrator's office, as was required by all department heads.

Thank you for listening, for your engagement in this issue, and again I am sorry that I have to leave early.

## SCHEDULE C

### **SECTION 30**

#### **Powers and duties of town clerk**

Town (TWN) CHAPTER 62, ARTICLE 3

§ 30. Powers and duties of town clerk. The town clerk of each town: 1.

Shall have the custody of all the records, books and papers of the town. He shall attend all meetings of the town board, act as clerk thereof, and keep a complete and accurate record of the proceedings of each meeting, and of all propositions adopted pursuant to this chapter.

Immediately after adoption he shall enter into a book to be known as the "ordinance book" a copy of every ordinance adopted by the town board, specifying the date of adoption thereof. In addition, he shall act as secretary of the board of commissioners of any improvement district when so designated by such board of commissioners. He shall keep a complete and accurate record in his office as town clerk of all proceedings of every board of commissioners of improvement districts in said town. The town clerk shall record all deeds of conveyances in the office of the clerk of the county in which the property is located and thereafter file the same in the town clerk's office. The cost and necessary expenses incurred in the recording of such deeds in the county clerk's office shall be a town charge.

1-a. Shall enter daily in a suitable book or books a record of all moneys received by him, and shall deposit all such moneys not later than the third business day after the total thereof exceeds the sum of two hundred fifty dollars.

2. He shall file all certificates or oaths and other papers required by law to be filed in his office.

3. He or she shall certify to the county clerk within twenty days after their appointment, the names of all appointive town officers, except inspectors of election, with their respective post-office addresses, the date of their appointment and expiration of term of office. He or she shall also on or before the tenth day of January in each year, file a certificate with the department of audit and control specifying the names of all town officers, whether elected or appointed, excepting inspectors of election, and file a certificate with the commissioner of taxation and finance specifying the names of all town assessors, with their respective post-office addresses, the date of their appointment or election and the expiration of term of office.

4. Whenever a vacancy shall occur or exist in any town office, the town clerk shall immediately notify the county clerk of such vacancy, specifying the name of the officer, the office in which the vacancy occurred and the date when the same became vacant. Within five days after such vacancy is filled, the town clerk shall file with the county clerk and the department of audit and control and, if the vacancy was in the office of assessor, with the commissioner of taxation and finance, a certificate specifying the name and address of the person filling the vacancy, together with the term for which elected or appointed. In the case of a person appointed to fill a vacancy in the office of town justice, the town clerk shall file a duplicate certificate with the chief

administrator of the courts. If a vacancy shall occur or exist in the office of town clerk, the supervisor shall notify the county clerk of such vacancy and the date when such office became vacant.

5. He shall deliver to the supervisor, before the annual meeting of the board of supervisors of the county in each year, certified copies of all propositions adopted by the town since the last annual meeting of the board of supervisors.

6. At the expense of the town he or she shall procure and affix on or near the main entrance to his or her office a sign-board with the name of the town followed by the words "town clerk's office" in plain characters thereon with sufficient space immediately below for posting thereon the legal notices of the town. Such sign-board and, in any town that maintains a regularly and routinely updated website and utilizes a high speed internet connection, an electronic version of such sign-board shall be one of the public places upon which any legal notice may be posted. Towns which maintain a regularly and routinely updated website and utilizes a high speed internet connection shall, to the extent practicable, maintain an electronic version of such sign-board and shall post a link to the electronic version of the sign-board on its homepage. An electronic version of such sign-board shall include a town website page designed or intended to provide electronic access to public notices. A town shall not be required to maintain an electronic sign-board pursuant to this subdivision should the town incur additional costs in order to comply.

7. He shall issue all licenses or permits, whenever and in the manner required by this chapter or by any other law and collect all fees therefor, except as provided in section one hundred thirty-seven of this chapter.

8-a. Any town in the county of Ontario may, by resolution of the town board and upon agreement with the board of supervisors of such county, authorize the town clerk of such town to provide for the care and protection of any road dedication books in his possession by placing them in the custody of the county clerk for filing and storage in a safe place and for such purpose the board of supervisors of Ontario county is hereby authorized to make such provision as may be necessary for the care and preservation of such road dedication books in the office of such county clerk.

9. Except in towns where the office of town comptroller has been created the town clerk, when required by resolution of its town board, shall countersign all checks required to be signed by the supervisor.

10. (a) The town clerk may appoint, and at his or her pleasure remove, a first deputy town clerk, who shall serve without compensation from the town unless otherwise provided by the town board. Such compensation may be in addition to any other compensation he or she may receive as a town officer, town official or town employee. The town clerk shall establish the duties and responsibilities of the first deputy town clerk and such first deputy town clerk shall possess the powers and perform the duties of the town clerk during the absence or inability to act of the town

clerk, or during a vacancy in the office of town clerk. Before he or she shall perform any function as such, the first deputy town clerk shall take and file the constitutional oath of office and execute and file an official undertaking in the manner prescribed in section twenty-five of this article.

In addition, the town clerk may appoint, and at his or her pleasure remove, up to two additional deputy town clerks whose duties and responsibilities shall be established by the town board. The town board, in its discretion, may delegate to the town clerk the authority to establish the duties of the additional deputy town clerks. Any such additional deputy town clerks shall serve without compensation from the town, unless otherwise provided by the town board. Such compensation may be in addition to any other compensation he or she may receive as a town officer, town official or town employee. Before he or she shall perform any function as such, the additional deputy town clerk shall take and file the constitutional oath of office and if required by the town board, execute and file an official undertaking in the manner prescribed in section twenty-five of this article.

(b) In the event that the town clerk is absent or unable to act and there is no duly appointed and qualified first deputy town clerk present and able to act, the town board may appoint as deputy town clerk any person other than a member of the town board; provided, however, that such person be qualified as provided in section three of the public officers law and section twenty-three of this article. If the town board shall provide compensation for such deputy town clerk, such compensation may be in addition to any other compensation he or she may receive as a town officer, town official or town employee. Such deputy town clerk shall hold office at the pleasure of the town board and in no event for longer than the duration of such absence or incapacity of the town clerk.

10-a. Where a town has not established the office of receiver of taxes and assessments, the town clerk shall collect water rates and sewer rents unless the town board has designated another officer or employee to make such collections.

11. The town clerk shall have such additional powers and perform such additional duties as are or hereafter may be conferred or imposed upon him by law, and such further duties as the town board may determine, not inconsistent with law.