

# **Documents, Policies, and Records to have on file in the Municipal Clerk's Office**

May 2001

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## **TUG HILL COMMISSION TECHNICAL PAPER SERIES**

### **TUG HILL COMMISSION**

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The Tug Hill Commission *Technical and Issue Paper Series* are designed to help local officials and citizens in the Tug Hill region and other rural parts of New York State. The *Technical Paper Series* provides guidance on procedures based on questions frequently received by the Commission. The *Issue Paper Series* provides background on key issues facing the region without taking advocacy positions. Other papers in each series are available from the Tug Hill Commission at the address and phone number on the cover.

## **Introduction**

Below are checklists that include documents, policies, records, and procedures associated with the operation and administration of town and village government and that are required by law or recommended to be on file in the municipal clerk's office. The checklist source and contact information is provided for obtaining more detailed information about a particular checklist item or action. For information pertaining to the minimum length of time that a municipal government record must be retained before it can legally be disposed, please refer to the Records Retention and Disposition Schedule MU-1 or contact the State Archives and Records Administration at (518) 474-6926 or [www.sara.nysed.gov](http://www.sara.nysed.gov).

## **Miscellaneous listings and records that should be available in the Municipal Clerk's Office**

- Schedule of Local Fees (Hunting & Fishing Licenses)
- Use of Public Facilities (Fees & Deposits)
- Listing of Municipal Office Hours
- Board of Election Registration Forms
- Absentee Ballots
- Records Management Plan
- Town or Village Board Meeting Procedures
- Smoking Policy

## **Office of the Town Clerk: Chapter IV – Filing Officer of the Town, General Requirements**

Contact:       The Association of Towns of the State of New York  
                  146 State Street  
                  Albany, New York 12207-1671  
                  (518) 465-7933  
                  Website: <http://www.nytowns.org>

- All oaths of office of town and district officers; oaths of fire police.
- Undertakings of improvement district commissioners.
- Petitions for the establishment and creation of districts, special improvements and fire protection.
- Proofs of all publications and posting of notices where such notices are required to be given.

- \_\_\_\_\_ Tentative budget. The budget officer files the tentative budget with the town clerk, which after review and modification, if any, by the town board becomes the preliminary budget.
- \_\_\_\_\_ Annual budget.
- \_\_\_\_\_ In the case of non-lawyer justices, certificates of completion of courses of training approved by the Office of Court Administration or temporary certificates by such office.
- \_\_\_\_\_ All written notices received by town highway superintendent of defects in highways, bridges, culverts or sidewalks or of snow and ice thereon, within ten (10) days of receipt thereof.
- \_\_\_\_\_ Assessment rolls.
- \_\_\_\_\_ Monthly and annual financial reports of supervisor.
- \_\_\_\_\_ Audits conducted by the Office of State Comptroller, or by an independent, outside accounting firm.
- \_\_\_\_\_ Annual agreement between town superintendent of highways and town board.
- \_\_\_\_\_ All applications, certificates, appointments and other papers relating to the laying out, altering or discontinuing of any town highway under the Highway Law, by the town superintendent of highways.
- \_\_\_\_\_ Reports from highway superintendent as to any roads used by the public for ten (10) years but not previously reported.
- \_\_\_\_\_ Certificate of abandonment of town highway and surveys of roads.
- \_\_\_\_\_ Decisions of fence viewers.
- \_\_\_\_\_ Notice of lien involving damages to property by animals or inanimate objects.
- \_\_\_\_\_ Claims against the town.
- \_\_\_\_\_ Bond and Note Registers.
- \_\_\_\_\_ Copy of authenticated statement of federal census from Secretary of State when population is shown to be 5,000 or more.
- \_\_\_\_\_ Notice of proposed change in village or city zoning regulations on property within 500 feet of town boundary.
- \_\_\_\_\_ Descriptions of school districts and all papers and proceedings turned over by district superintendent of schools.
- \_\_\_\_\_ Ordinance Book.
- \_\_\_\_\_ Minute Book.
- \_\_\_\_\_ Local Law Book.
- \_\_\_\_\_ Non-resident taxpayers filing addresses for tax bill purposes.
- \_\_\_\_\_ Marriage License Book. (In lieu of marriage license book, a microfilm record may be obtained and shall be deemed an original record for all purposes).
- \_\_\_\_\_ Order of supervisor or town manager as chief executive officer proclaiming state of emergency, relating, among other things, to curfews, control of traffic, buildings, persons in

- \_\_\_\_\_ public places, sale of weapons, explosives, inflammables and alcoholic beverages.
- \_\_\_\_\_ Laws, rules and regulations adopted by the Board of Trustees of the State University in connection with regulation of traffic in and upon State operated institutions of the State University must be filed in the office of the town clerk of the town in which they must be enforced.
- \_\_\_\_\_ Notices of existence of defective, unsafe, dangerous or obstructed condition, or of a hazardous condition caused by snow and/or ice in connection with actions for injuries arising from the operation of snowmobiles.
- \_\_\_\_\_ Every map adopted in connection with a zoning ordinance or amendment in a separate file or filing cabinet available for inspection during regular business hours.
- \_\_\_\_\_ Copy of bingo and/or “games of chance” financial report form (original of which must be filed with NYS Racing and Wagering Board, Tower Building, Empire State Plaza, Albany, New York 12223) within seven days after the conclusion of any occasion.
- \_\_\_\_\_ Weekly copies of the “State Register” when requested from and distributed by the Secretary of State, containing State and federal rules, regulations, notices and programs.
- \_\_\_\_\_ Notice from county legislative body prior to the abandonment of any county highway or portion thereof to a town.
- \_\_\_\_\_ Written objections to procedure for settling boundary disputes between contiguous fire districts.
- \_\_\_\_\_ Certificates and/or temporary certificates of State board of Equalization and Assessment of completion of required assessor training.
- \_\_\_\_\_ Copies of State Board of Equalization and Assessment certificates of attendance of members of boards of assessment review at required training.
- \_\_\_\_\_ Maps and/or descriptions of congressional, senatorial, assembly and election districts shall be filed by the State Board of Elections in the office of the town clerk, and kept open to public inspection. (Election Law, §4-102)

### **What the Auditors Look for in the Minutes**

Contact: New York State Office of the State Comptroller (Syracuse Office)  
 330 East Washington Street  
 Syracuse, New York 13201  
 (315) 428-4192  
 Website: <http://www.osc.state.ny.us>

A municipality’s basic legislative record is the Minute Book that is maintained by the town or village clerk. The Minute Book is a permanent record of the town or village that provides valuable information about general and fiscal operations of the municipality, which is available to taxpayers and interested parties like the Office of the State Comptroller. Included in the minutes are the following:

### **Budgeting**

- \_\_\_ Filing of the tentative budget;
- \_\_\_ Approval of the preliminary budget;
- \_\_\_ Public hearing on the preliminary budget;
- \_\_\_ Budget adoption details with a reference to the budget filed as a supplemental document if it is too large to file in the minute book;
- \_\_\_ Budget modification details of appropriation line items affected and dollar amounts;

### **Real Property Taxes**

- \_\_\_ Re-levy of delinquent user charges on the tax roll (water, sewer)

### **Purchasing**

- \_\_\_ Written procurement policy adopted;
- \_\_\_ Evidence of bidding, acceptance of other than the apparent low bidder;
- \_\_\_ Change orders for contracts originally awarded;
- \_\_\_ Actions taken in declaring public emergencies that result in the waiving of public bidding requirements;
- \_\_\_ Actions taken in standardizing the purchase of a particular type of supplies or equipment;
- \_\_\_ Justification for a sole source procurement not subject to competitive bidding;
- \_\_\_ Actions taken to engage professionals such as engineers or attorneys;
- \_\_\_ The board approval of claims (very clear identification of those approved for payment); the board approval of claims that were paid prior to audit (specific identification); pre-approval of purchases;
- \_\_\_ Prior approval for attendance at conferences, schools, etc.;

### **Employees/Officials**

- \_\_\_ Adoption of policies on personnel, fringe benefits;
- \_\_\_ Establishing of salaries and wage rates; appointments of town officials;

### **Indebtedness**

- \_\_\_ Authorization to borrow money, bond resolutions, etc.;
- \_\_\_ Authorization for installment purchase contracts;

### **Investments**

- \_\_\_ Written investment policy adopted;

- \_\_\_ Designation of authorized depositories;
- \_\_\_ Designation of maximum allowable deposits per bank;

**Reserves**

- \_\_\_ Creation/establishment of reserves (type of reserve, purpose, designation of capital reserve as to specific or type);
- \_\_\_ Authorizations to spend moneys from;
- \_\_\_ Permissive referendum requirements (public notice to spend subject to permissive referendum)

**Special Districts**

- \_\_\_ Creation, extensions and/or dissolution of special districts;
- \_\_\_ Establishment/changes in user fees (water, sewer, refuse, other);

**Revenues**

- \_\_\_ Receipt of significant revenues such as grant money or other types of aid;
- \_\_\_ Insurance recoveries;
- \_\_\_ Sales of surplus or obsolete equipment

**Contracts**

- \_\_\_ Contracts (fire protection, ambulance service, public library, inter-municipal);
- \_\_\_ Public hearings relating to contracts, when required

**Authorization**

\_\_\_ Once sealed bids are received, they should be entered in the minutes along with the individual prices quoted by each vendor.

\_\_\_ Once a determination has been made which vendors are responsible bidders and have met the specifications of the advertisement, the board passes a resolution awarding the contract to the lowest responsible bidder and this information is entered in the minutes. This resolution is the board's authorization to enter into a contract.

\_\_\_ If a contract is awarded to other than the apparent low bidder, a detailed explanation must be included in the minutes explaining why the apparent low bidder(s) were not successful.

\_\_\_ After the vendor supplies goods and/or services and submits a bill, the claim is audited and approved for payment. The authorization to pay the claim must be entered in the minutes.

**Other**

- \_\_\_ Annual audit of officials receiving/disbursing money by board (or CPA);
- \_\_\_ Receipt of monthly reports (supervisor, town clerk, any other departmental);
- \_\_\_ Designation of official newspaper;

- \_\_\_ Public hearings (local laws);
- \_\_\_ Notice of litigation (by the town, against the town);
- \_\_\_ Disclosures of interests in contracts (conflicts of interest);
- \_\_\_ The authorization from the town board to have the clerk advertise and receive bids.

**Saving Money and Getting it Right! Insurance Coverage Tips for RFP's**

August 2000 Municipal Insurance Workshop handout presented by Rose & Kiernan and sponsored by the Tug Hill Commission.

Contact:       Rose and Kiernan, Inc.  
                   Insurance and Security Bonds  
                   418 Washington Street  
                   P.O. Box 139  
                   Watertown, New York 13601  
                   (315) 782-1300

**Property – Miscellaneous Locations**

- \_\_\_ Storage Buildings
- \_\_\_ Radio and TV repeater equipment
- \_\_\_ Reservoir roofs and tanks
- \_\_\_ Lift and pump stations
- \_\_\_ Official's home offices
- \_\_\_ Cemetery structures
- \_\_\_ Recycling facilities (often leased to towns)
- \_\_\_ Recreational structures (often donated)
- \_\_\_ Property leased – old park or improvement districts

**Property - Breakdown Coverage**

- \_\_\_ Extra expenses (hauling waste to an alternate site, temporary heaters)
- \_\_\_ Recharging systems (refrigerants)
- \_\_\_ Loss of income
- \_\_\_ Contamination



**Off Premises Power Coverage**

\_\_\_\_\_ Coverage is provided for the loss caused by direct damage to off-premise damage to utilities, power, phone, water, etc.

**Extended Water Damage**

\_\_\_\_\_ Covers water that seeps into basements, surface water and backup of sewer and drains. Does not cover over flow of a body of water/floods

**Equipment Replacement Cost**

\_\_\_\_\_ Daily use equipment (compactors and loading equipment)

\_\_\_\_\_ Money earning equipment (plows and refuse hauling equipment)

\_\_\_\_\_ Equipment having no backup (emergency equipment)

\_\_\_\_\_ Equipment when replacement cost and current value are less than 20% different.

\_\_\_\_\_ Equipment that is leased.

\_\_\_\_\_ Obsolete items that cannot be replaced.

\_\_\_\_\_ Equipment that is leased and municipality is contractually obligated to have only current value.

\_\_\_\_\_ Equipment that has a large differential in the replacement cost and the current value (graders, bucket trucks)

\_\_\_\_\_ Equipment available inexpensively through leasing or mutual aid.

\_\_\_\_\_ Rental Reimbursement coverage

**Special Assets**

\_\_\_\_\_ Library books

\_\_\_\_\_ Employee Personal Effects – often required by labor contracts

\_\_\_\_\_ Watercraft

\_\_\_\_\_ Signs

\_\_\_\_\_ Computer media and data

\_\_\_\_\_ Valuable papers (applications for permits, record, maps, etc.)

\_\_\_\_\_ Voting machines

\_\_\_\_\_ Fine arts

**Police/Law Enforcement Coverage Additions**

\_\_\_\_\_ Wrongful acts definition added as covered

- \_\_\_ Reasonable use of force when used to protect persons or property
- \_\_\_ Communicable diseases
- \_\_\_ Moonlighting

**Public Officials**

- \_\_\_ Duty to defend
- \_\_\_ Discrimination and violation of civil rights
- \_\_\_ Employment practices liability (hiring, firing, promoting, demoting, etc.)
- \_\_\_ Discrimination, violation of civil rights, harassment
- \_\_\_ Back wages, health, and pension benefits
- \_\_\_ Enhanced Employment Practice Coverage (slander, invasion of privacy, mental anguish, humiliation)
- \_\_\_ Non-monetary or injunctive relief coverage

**General Liability – Buy Backs**

- |   |                                 |
|---|---------------------------------|
| ___ Sexual abuse and molestation                                  | ___ Halfway Houses              |
| ___ Law enforcement liability for codes officers and judges       | ___ Horse races                 |
| ___ Failure to supply   | ___ Housing authority           |
| ___ Incidental medical malpractice – EMT’s and paramedical        | ___ Industrial parks            |
| ___ Sudden and accidental pollution                               | ___ Jails/lockups               |
| ___ Injury to volunteers  | ___ Landfill, dump, incinerator |
| ___ Contractual liability extended to slander, false arrest, etc. | ___ Law enforcement             |
| ___ Mental anguish and humiliation                                | ___ Marinas                     |
| ___ Blanket additional insureds for contracts                     | ___ Museums/library             |
| ___ Aircraft  | ___ Nursing/Convalescent Homes  |
| ___ Airports  | ___ Paid Fire Department        |
| ___ Ambulance service, EMT’s                                      | ___ Parks and playgrounds       |
| ___ Animal pound  | ___ Pay parking lot             |
| ___ Arenas/grandstands/bleachers                                  | ___ Power generator plant       |
| ___ Athletic programs   | ___ Quarries/gravel pits        |

- |   |  |
|---|--|
| <input type="checkbox"/> Auto/motorcycle races        | <input type="checkbox"/> Rifle ranges                  |
| <input type="checkbox"/> Beaches, lakes reservoirs    | <input type="checkbox"/> Rodeos                        |
| <input type="checkbox"/> Blasting operations          | <input type="checkbox"/> Sanitary sewers               |
| <input type="checkbox"/> Bridges                      | <input type="checkbox"/> Schools or colleges           |
| <input type="checkbox"/> Bus/mass transit             | <input type="checkbox"/> Sewage disposal               |
| <input type="checkbox"/> Carnivals/amusement rides    | <input type="checkbox"/> Skating rinks (ice or roller) |
| <input type="checkbox"/> Cemeteries                   | <input type="checkbox"/> Skate board park              |
| <input type="checkbox"/> Chemical spraying            | <input type="checkbox"/> Ski facilities/activities     |
| <input type="checkbox"/> Clinics/hospitals            | <input type="checkbox"/> Stadiums/Convention Centers   |
| <input type="checkbox"/> Concession stands            | <input type="checkbox"/> Storm sewers                  |
| <input type="checkbox"/> Dams, levees or dikes        | <input type="checkbox"/> Street cleaning               |
| <input type="checkbox"/> Day camps, Day Care          | <input type="checkbox"/> Street or road maintenance    |
| <input type="checkbox"/> Detox Centers                | <input type="checkbox"/> Swimming pools                |
| <input type="checkbox"/> EMT's/Paramedics/Nurses      | <input type="checkbox"/> Transportation systems        |
| <input type="checkbox"/> Fairs                        | <input type="checkbox"/> Utilities – Gas/Electric      |
| <input type="checkbox"/> Festivals/Parades            | <input type="checkbox"/> Utilities - Water             |
| <input type="checkbox"/> Fire Departments             | <input type="checkbox"/> Vacant land                   |
| <input type="checkbox"/> Fireworks                    | <input type="checkbox"/> Volunteer Fire Department     |
| <input type="checkbox"/> Garbage collection/recycling | <input type="checkbox"/> Watercraft                    |
| <input type="checkbox"/> Golf courses                 | <input type="checkbox"/> Wharves, piers, docks         |
|   | <input type="checkbox"/> Zoos                          |