

ISSUE PAPER SERIES

Documents, Policies and Records to Have on File in the Municipal Clerk's Office

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NEW YORK STATE TUG HILL COMMISSION

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This paper was prepared in cooperation with Laird Petrie, NYS Office of the State Comptroller.

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. Please call us or visit our website for more information.



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Documents, Policies and Records To Have On File In The Municipal Clerk's Office

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 **Retention and Disposition Schedule for New York Local Government Records (LGS-1)** or contact the State Archives and Records Administration at (518) 474-6926.

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 VI – Town Clerk's Receipt of Filing Duties

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>

Books and Indexes

- Local Law Book (Municipal Home Rule Law, §27 (6))
- Ordinance Book (Town Law, §30 (1))
- Minutes Book (Town Law, §30 (1))
- Record of Money Book (Town Law, §30 (1-a))
- Notice of Lien Book (Town Law, §311)
- Record/Index of Notice of Highway Defects (Town Law, §65-1 (4))

Documents, Policies and Records To Have On File In The Municipal Clerk's Office

____ Record/Index of Notice of Highway Defects Regarding Snowmobile Operation (General Municipal Law, §71-b)

Highway and Infrastructure Records

____ Naming and numbering streets, and providing street signs. (Town Law, §64 (9))

____ Street profiles. (Town Law, §64 (10))

____ Description of town road affected by canal work. (Canal Law, §60)

____ Estimates regarding the cost of bridges over. (Canal Law, §66)

____ Notice of highway closing. (Highway Law, §104)

____ Survey for the laying out of a town highway. (Highway Law, §170)

____ Order laying out dedicated highway. (Highway Law, §171 (1))

____ Orders laying out, altering or discontinuing town highways. (Highway Law, §171 (2))

____ Record of highways used for 20 years that have not been previously reported. (Highway Law, §140 (8))

____ Highway mileage report. (Highway Law, §140 (12))

____ Abandoned town. (Highway Law, §205)

____ Certificate of qualified abandonment of a town highway. (Highway Law, §205)

____ Abandoned school roads. (Highway Law, §211-b)

____ Discontinuance of terminus of town highway. (Highway Law, §§207; 208)

____ Discontinuance town highways in Forest Land. (Highway Law, §211-a)

____ All highway papers. (Highway Law, §210)

____ Notice to town of county road abandonment. (Highway Law, §115-c)

____ Bids for the construction of town highways. (Highway Law, §193)

____ Highway construction contracts. (Highway Law §193)

____ Bridge abandonment order. (Highway Law §234 (11)(c))

____ Highway Law, Section 284 Agreement. (Highway Law, §284)

____ Highway equipment inventory report and recommendations. (Highway Law, §142 (3))

Public Officer Records

____ Town officers oaths and undertakings. (Town Law, §25)

____ Deputy tax collector appointment. (Town Law, §35 (2))

____ Town justices oaths and undertakings. (Uniform Justice Court Act, §104)

____ Election inspectors and poll clerks oaths. (Election Law, §3-414)

____ Town Civil Service employee affirmations. (Civil Service Law, §62)

____ Fire district commissioners oaths. (Town Law, §174 (6))

____ Fire district treasurer, secretary and director of purchasing oaths and undertakings. (Town Law, §174 (3))

____ Fire police squads of fire departments and fire companies oaths. (General Municipal Law, §209-c)

Documents, Policies and Records To Have On File In The Municipal Clerk's Office

- ___ Improvement district commissioners oaths and undertakings. (Town Law, §214)
- ___ Resignations. (Public Officers Law, S31; Town Law, §26)
- ___ Certificate of justice training. (Uniform Justice Court Act, §105)
- ___ Assessor certification. (Real Property Tax Law, §§354;358)
- ___ Board of Assessment review certification. (Real Property Tax Law, §523)
- ___ Planning and zoning board training certificates. (Town Law, §30 (11); 267;271)

Assessing Records

- ___ Property tax maps. (Real Property Tax Law, §503)
- ___ Demand for list of properties owned. (Real Property Tax Law, §508 (1))
- ___ Tax notice to non-residents in towns. (Real Property Tax Law, §982)
- ___ Supplemental assessment roll of real property in a school district. (Real Property Tax Law, §1335)
- ___ Village assessment status notification (Real Property Tax Law, §1402)
- ___ Filing of final assessment roll; notice of completion. (Real Property Tax Law, §516)
- ___ Proceeding to review a special franchise assessment. (Real Property Tax Law, §740)
- ___ Exemption impact reports (posted and annexed to budget). (Real Property Tax Law, §495)

Election and Petitions Records

- ___ Special election results. (Town Law, §83)
- ___ Special election absentee ballots. (Town Law, §84-a (8))
- ___ Municipal Home Rule Law petitions. (Municipal Home Rule, §§24, 23)
- ___ Local ABC Law option referendum petitions. (Alcoholic Beverage Control Law, §141)
- ___ Local ABC Law option election results certificates. (Alcoholic Beverage Control Law, §143)
- ___ Election districts. (Election Law, §S4-102 (5)(c))
- ___ Permissive referendum petitions. (Town Law, §§81, 91)
- ___ Petitions submitted to establish or vote on town improvement districts. (Town Law, §209-e)

Vital Records

- ___ Book of marriage licenses. (Domestic Relations Law, §19 (1))
- ___ Birth and death certificates. (Public Health Law, §4170 (c))

Liquor Licenses

- ___ Notification of liquor license applications. (Alcohol Beverage Control Law, §64 (2-a))

Consolidation, Dissolution and Shared Services Records

- ___ Dissolution, reformation and construction of school districts. (Education Law, §1505, 1513)
- ___ Canvass results for enlarging city school districts. (Education Law, §1526 (10))
- ___ Election results for the creation of a central school district. (Education Law, §1803-a)

Documents, Policies and Records To Have On File In The Municipal Clerk's Office

- ___ Municipal consolidation petitions. (General Municipal Law, §763)
- ___ Municipal dissolution petitions. (General Municipal Law, §85)
- ___ Alteration of town boundaries. (Town Law, §73)
- ___ Mandatory change of classification notice. (Town Law, §11 (1))
- ___ Mutual aid water interconnection plan certificates. (General Municipal Law, §120-u)

Environmental Records

- ___ SPDES Discharge monitoring reports. (Environmental Conservation Law, §17-0815-a)

Town Finance Records

- ___ Record of obligations. (Local Finance Law, §163.00)
- ___ Tentative town budget. (Town Law, §106)
- ___ Audited claims. (Town Law, §119)
- ___ Annual report of the town's financial condition to the state comptroller. (General Municipal Law, §35)
- ___ Town supervisor's annual financial report. (Town Law, §29 (10); (10-a))
- ___ Town supervisor records. (Town Law, §29 (4))
- ___ Supervisor monthly financial report. (Town Law, §125 (2))
- ___ Investment policy. (General Municipal Law, §11)
- ___ Procurement policy. (Town Law, §104-b)

Bonds and Indebtedness Records

- ___ Record of bonds and notes. (Local Finance Law, §163.00)
- ___ Contents of statement of Housing and Urban Renewal indebtedness. (Local Finance Law, §151.00)
- ___ Railroad aid bond surety. (General Municipal Law, §227)
- ___ Payment of railroad commissioner bond report. (General Municipal Law, §8)

Improvement District Records

- ___ Improvement districts in suburban class towns. (Town Law, §54 (3))
- ___ Business improvement districts. (General Municipal Law, §980-e)
- ___ Petitions submitted to establish or vote on town improvement districts. (Town Law, §209-e)
- ___ Application for permission of state comptroller to establish or extend district. (Town Law, §209-f)
- ___ Maps and plans. (Town Law, §§190-g (2); 191-a; 192;197; 209-c)
- ___ Notices of approval from Department of Health. (Town Law, §§190-g (3);191-a;192)
- ___ Notices from the state comptroller's office. (Town Law, §§202-d; 209-h)
- ___ Purchases contracts. (Town Law, §198 (1) (c))
- ___ Town board's order. (Town Law, §§193 (1);209-d (1))

Documents, Policies and Records To Have On File In The Municipal Clerk's Office

___ Annual estimates. (Town Law, §202-a (8))

___ Expense of maintenance. (Town Law, §202-a)

___ Change of name. (Town Law, §198 (13))

Fire Protection District Records

___ Explanation of assessment rate estimate for fire protection district creation proceedings. (Town Law, §171)

___ Joint fire district annual budget. (Town Law, §189-h (1)(b))

___ Joint fire district statement of expenditures and levy of taxes. (Town Law, §189-h (3))

Fire District Records

___ Alternation of boundaries of fire districts. (Town Law, §172-a)

___ Proposed fire district budget. (Town Law, §181 (3)(a))

___ Adopted fire district budget. (Town Law, §181 (3)(c))

___ Annual financial fire district statement. (Town Law, §181 (6))

___ Fire district commissioners oaths and undertakings. (Town Law, §174 (6))

___ Fire district treasurer, secretary and director of purchasing oaths and undertakings. (Town Law, §174 (3))

___ Fire district map boundary disputes. (Town Law, §176 (5))

___ Change of name of fire district. (Town Law, §172-e)

Notices of Claims, Dangerous Conditions and Other Legal Service Processes

___ Mutual aid fire or ambulance service liability. (General Municipal Law, §209 (2))

___ Notice of dangerous condition for snowmobile operation. (General Municipal Law, §71-b)

___ Notice of claims. (General Municipal Law, §50-e (3)(e))

___ Notices of claim for personal injury or property damage filed with the secretary of state. (General Municipal Law, §53)

___ Record/index of notices of claims filed with the town. (General Municipal Law, §50-f (1))

___ Record/index highway, bridge and sidewalk notices of claims. (General Municipal Law, §50-f (1))

___ Summons in an action in the Supreme Court personal service. (Civil Practice Law and Rules Law, §311 (a)(5))

Planning and Zoning

___ Official town zoning map. (Town Law, §270)

___ Zoning maps maintained in town clerk's office. (Town Law, §264)

___ Zoning ordinance proof of publication. (Town Law, §264)

___ Zoning ordinance. (Town Law, §30 (1))

___ Changes to the zoning ordinance. (Town Law, §265)

___ Comprehensive plan. (Town Law, §272-a (12))

___ ZBA decisions. (Town Law, §267-a (5))

Documents, Policies and Records To Have On File In The Municipal Clerk's Office

- ___ Special use permit decisions. (Town Law, §274-b (6))
- ___ Site plan review decisions. (Town Law, §274-a (8))
- ___ Planning board subdivision application decisions. (Town Law, §276 (9))
- ___ Subdivision plats. (Town Law, §276 (7)(a))
- ___ Notice hearing on use variances, site plans, special use permits or subdivision applications of other municipalities. (General Municipal Law, §239-nn (4))

Employment Policies

- ___ Personnel policies and employee handbooks. (Leave allowances – General Municipal Law, §92; health insurance – General Municipal Law, §92-a; overtime – General Municipal Law, §90; mileage reimbursement – Town Law, §116)
- ___ Sexual harassment. (Section 703 of Title VII of the Civil Rights Act of 1964 Law, §264; Human Rights Law as NY Executive Law, art. 15, § 290 et seq.)
- ___ Workplace violence. (Labor Law, §27-b; 12 NYCRR §800.6 (e)(1))
- ___ Code of ethics for municipal officers and employees. (General Municipal Law, §806)

Miscellaneous

- ___ Notices. Proofs of all publications and posting of notices where such notices are required to be given should be filed in the town clerk's office.
- ___ Record of cemetery plot inscriptions. (N-PCL, §1510 (i))
- ___ Agricultural district maps. (Agriculture and Markets Law, §304)
- ___ Fence disputes between neighboring property owners. (Town Law, §303)
- ___ Damages from other personal property. (Town Law, §323)
- ___ Deeds of conveyances. (Town Law, §30 (1))
- ___ Orders declaring states of emergency. (Executive Law, §24 (3))
- ___ School district descriptions. (Education Law, §§2140; 2215)
- ___ New York State Register. (Executive Law, §148)
- ___ Games of chance finance reports. (General Municipal Law, §§491; 195-f)
- ___ Exotic animal registry. (General Municipal Law, §209-cc; Agriculture and Markets Law, §123)

Documents, Policies and Records To Have On File In The Municipal Clerk's Office

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.;

Documents, Policies and Records To Have On File In The Municipal Clerk's Office

___ 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);

Documents, Policies and Records To Have On File In The Municipal Clerk's Office

- _____ Disclosures of interests in contracts (conflicts of interest);
- _____ The authorization from the town board to have the clerk advertise and receive bids.