

## WARREN COUNTY BOARD OF SUPERVISORS

**COMMITTEE: COUNTY CLERK - MOTOR VEHICLES**

**DATE: APRIL 27, 2011**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS MCDEVITT  
STRAINER  
BELDEN  
LOEB  
WOOD

**OTHERS PRESENT:**

PAM VOGEL, COUNTY CLERK  
DANIEL STEC, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR  
JOAN SADY, CLERK OF THE BOARD  
SUPERVISORS TAYLOR  
KENNY  
MERLINO  
THOMAS  
CONOVER  
MCCOY  
DON LEHMAN, *THE POST STAR*  
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

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Mr. McDevitt called the meeting of the County Clerk - Motor Vehicles Committee to order at 9:31 a.m.

Motion was made by Mr. Belden, seconded by Mrs. Wood, and carried unanimously to approve the minutes from the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Pam Vogel, County Clerk, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mrs. Vogel referenced a previous meeting of the Real Property Tax Services (RPTS) Committee where the issue of assigning responsibility for the examination, correction or revision to the legal descriptions of deeds had been discussed. Mrs. Vogel acknowledged the advisements from Mr. Monroe and Paul Dusek, County Attorney/Administrator, were correct and she stated that it was not within the purview of the County Clerk to examine or revise in this manner and noted that twenty other counties do not correct or advise on content. Mrs. Vogel said she understood the concerns of the RPTS Committee with regard to the recording process noting that errors were often identified during the mapping process and she informed that further examination of the issue was underway with Mike Swan, Director of RPTS. She apprised that Suffolk County and one county in western New York had some type of procedure in place; however, she said, their indexing process differed from the other counties. Mrs. Vogel advised that if such examinations were deemed the responsibility of the County Clerk, while her staff included a para-legal and an assessor with twenty years of experience; she cautioned, her Office was not authorized to approve the legal content of a parcel, nor was staff time available for same. She explained that Mr. Dusek had advised that the County Clerk's role was ministerial and errors requiring correction would require court proceedings. She noted her Office had a procedure to record corrections for deeds at a fee of \$200. Mrs. Vogel reiterated that it was not within the purview of the County Clerk to correct legal descriptions.

Mrs. Vogel addressed the consideration of a Real Property Transfer Tax (RPTT), a tax imposed on the transfer of real property based on the amount of the sale. The issue, she said, had originated with the RPTS Committee and was examined in 2009 along with the Motor Vehicle Use Tax which was approved and imposed for 2010. She said the RPTT was not imposed at that time and she opined that it was not in the best interest of the County to impose an additional property related tax at the present time. Assessment of the fee for a RPTT, she explained, was carried out by only five

other counties and would be difficult to assess and noted that municipalities could impose the tax at their own discretion. She pointed out the modest Motor Vehicle Use Tax fees of \$5 or \$10 per vehicle per year.

Mr. McDevitt stated that any additional real property tax would be in opposition to the County's desire to encourage the sale of property at this time, and he expressed his opposition to such a tax in the current economic climate.

Another property issue which involved the County Clerk, Mrs. Vogel expounded, was in response to a suggestion from local assessors that the County Clerk collect a recording fee for deeds on property tax sales. The fee, she explained, which would be added to the purchase price of the property, could not be authorized by her Office. She noted that some deeds were not recorded and it was the responsibility of the County Clerk to calculate the fees of any recorded instrument. She added that fees ranged between \$200 and \$300 and she questioned the method by which the County would determine the recording fee in advance. Prior to continued efforts relative to the consideration of a recording fee, Mrs. Vogel stated, the current procedure in the County Clerk's Office must be examined. It might be possible, she said, for the County Attorney's Office, as part of the tax sale proceedings, to assign a penalty for those deeds not recorded within a reasonable length of time. Mr. McDevitt recommended that the concerns raised by Mrs. Vogel be referred to the County Attorney for review and advisement. Mr. Strainer noted that collection of the recording fee was typically the responsibility of the real estate closing Attorney and impacted the processing of the buyer's tax bill and Mrs. Vogel concurred.

With regard to New Business, Mrs. Vogel stated that Local Law No. 10 of 2008, which imposed a Warren County Mortgage Tax, would expire on December 1, 2011. She presented a request to amend Local Law No. 10 of 2008 to extend the Local Mortgage Tax Law as per New York State Tax Law 253-w, for a period of three years.

Motion was made by Mr. Belden and seconded by Mrs. Wood to approve the request to amend Local Law No. 10 of 2008 to impose the Warren County Local Mortgage Tax.

Mr. Strainer recommended a shorter extension period for Mortgage Tax to allow for the review of revenues generated in order to better determine if a three year extension was appropriate and Mrs. Vogel deferred such term changes to the County Attorney's Office. Mr. McDevitt noted that the term length was likely to be statutory; therefore, he said, the County would have no choice. Mrs. Vogel advised of the need to expedite a decision or a referral and reiterated that the current term would expire on December 1<sup>st</sup>. Mr. Merlino expressed interest in the Mortgage Tax revenue figures and Mrs. Vogel said she would obtain the figures and forward them to the Committee. The Committee deferred action on this item until Mr. Dusek was available to address the term issue.

Continuing with the Agenda review, Mrs. Vogel announced that the Deputy County Clerk would retire effective May 31, 2011 and pursuant to County Law Section 526 it was the obligation of the County Clerk to appoint a Deputy. Mrs. Vogel explained that the current salary for the Deputy County Clerk was \$50,043 and the salary range for this position was \$45,000 to \$55,000 according to Human Resources. Therefore, Mrs. Vogel said, she was requesting approval to decrease the salary of the Deputy County Clerk from \$50,043 which included longevity, to \$46,000; thereby amending the Department's Table of Organization. Mrs. Vogel advised she would notify the Board of Supervisors in writing of the appointment of the Deputy County Clerk.

Motion was made by Mr. Strainer and seconded by Mrs. Wood to approve the request to decrease the salary of the Deputy County Clerk to \$46,000.

Mr. Belden asked if the position would be filled by someone within the Clerk's Office and Mrs. Vogel replied that the candidate was a County employee but not an employee of the DMV or County Clerk. Mr. Strainer asked if the Deputy position required a Civil Service examination or an interview process and Mrs. Vogel replied in the negative. Mrs. Vogel explained that an extensive position description, which included the responsibilities associated with acting as the County Clerk, were used in the candidate review process and she noted that application review had taken place over the past month. Mr. McDevitt informed that Mrs. Vogel had given careful study to the candidates for selection of the person best suited as Deputy Clerk. Mrs. Wood stated that at the Town level, the Clerk had the authority to appoint a Deputy and it was prescribed by law that the Deputy Clerk must be trained to the fullest extent of the Clerk.

Mr. McDevitt called the question and the motion was carried unanimously to approve the request to decrease the salary of the Deputy County Clerk as outlined; thereby amending the Table of Organization, and to refer same to the Personnel Committee. *A copy of the Request to Decrease the Salary of a Non-Union Position is on file with the minutes.*

Mr. Dusek entered the meeting at 9:48 a.m.

In connection with the previous discussion relative to the term length for the local Mortgage Tax Law, Mr. Dusek apprised that it must be adopted by the State Legislature and the terms were two and three years among counties. He stated that due to the fact that it was a Legislative Act, it was likely that a request for consideration could be submitted to the legislature for a change in the term of the Law. Mr. McDevitt recommended that the three-year term be continued without change.

Mr. McDevitt called the question and the motion was carried unanimously to extend Local Law No. 10 of 2008 imposing a Local Mortgage Tax Law for a three-year term commencing December 1, 2011 and terminating December 1, 2014, and the necessary resolution was authorized for the May 20, 2011 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mrs. Vogel presented a request to extend the five-year contract with Affiliated Computer Systems, Inc. (ACS), for electronic indexing and imaging recordkeeping systems, subject to cancellation with 30 days written notice without penalty, commencing May 23, 2011 and terminating May 23, 2012, at an approximate monthly cost of \$10,000. Mrs. Vogel apprised that she would be preparing an RFP for a new imaging agreement.

Motion was made by Mr. Belden, seconded by Mrs. Wood and carried unanimously to approve the request to extend the contract with ACS, Inc., as outlined above and the necessary resolution was authorized for the May 20, 2011 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mrs. Vogel presented two requests for herself to attend the following meetings:

- ▶ Electronic Filing Training, in Rochester, NY, on May 12, 2011; and
- ▶ County Clerk Summer Conference, in Mohonk, NY, from June 5 to June 8, 2011.

Mrs. Vogel advised that she was not certain of her attendance at either meeting as she may elect to remain in the Office to work with the New Deputy Clerk. She said that the General Services Administration (GSA) rate for the Summer Conference was not yet available noting a total cost of approximately \$300 last year. She stated that although she was the Chairperson for the Recording Committee, the Co-Chair could preside in her absence should she decide not to attend the Summer

Conference in its entirety.

Motion was made by Mr. Belden, seconded by Mr. Strainer and carried unanimously to approve both travel requests as outlined above. *A copy of the Authorization to Attend Meeting or Convention is on file with the minutes. (Note: Subsequent to the Committee meeting, Mrs. Vogel informed that she would not attend the Electronic Filing Training in May).*

Mrs. Vogel stated the Warren County Bicentennial Team met on April 4<sup>th</sup> and the next meeting of the Bicentennial Citizens Advisory Committee was scheduled for May 16, 2011. She stated she had requested Mrs. Wood's presence at the meetings and looked forward to her ideas .

Mrs. Vogel reported that the Veterans Discount Card Program was underway and noted a good response rate from Veterans with regard to cards issued by her Office. She said there were forty participating businesses and anticipated an increase. According to Mrs. Vogel, her Office worked collaboratively with Denise DiResta, Director of Veterans' Services, with regard to the associated paperwork which included Department of Defense Form 214 (DD214). She said there was no fee to Veterans who provided proof of honorable discharge from active duty military with Form DD214 on file in the County Clerk's Office. Mrs. Vogel noted Saturday hours for card issuance which included May 21, 2011 from 9:00 a.m. to 1:00 p.m. and stated that fliers would be forthcoming and distributed to Supervisors for their respective Towns.

There being no further business to come before the County Clerk - Motor Vehicles Committee, on motion made by Mr. Strainer and seconded by Mrs. Wood, Mr. McDevitt adjourned the meeting at 10:04 a.m.

Respectfully submitted,  
Joanne Collins, Legislative Office Specialist