

13007

OFFICE OF THE WARREN COUNTY CLERK
PAMELA J. VOGEL, COUNTY CLERK
JODY ROSS, DEPUTY

Warren County Clerk – DMV Committee Meeting
April 27, 2011 ~ 9:30 am.

- 1.) Old Business:
 - Real Property Tax Committee Referral
 - a.) Examination/Correction of Schedule A: Descriptions
Recognize concerns, however, agree with Mr. Dusek's and Mr. Monroe's advisements;
Survey of County Clerks – 20 do not correct or advise on content;
(some examination: Suffolk, NYC, 1 in Western NY(presumed), Schen has SBL#);
Warren County staff has paralegal, assessor(20yrs), law office expertise, however, even
with this we do not have the authority to do so (nor time if authorized). RPs/deed
conveyances: 2060 in 2010 (RP to RPTS); Total Clerk Recordings 9000, w/ addl forms
33,000; + 27000 Ct & Filings.
 - b.) Real Property Transfer Tax: Researched and considered by Board March 2009,
Defeated; See attached. 2010 TT collected \$ 1.2 million dollars, approx. \$ 2000
remained with Clerk (\$ 1 per transaction); Seller pays tax; Mortgage
Tax and Recording Fees increased in 2008; affects property owners; DMV MV use Tax
implemented (all registered drivers) in 2010.
- 2.) New Business:
 - a.) Local Mortgage Tax (Local Law 10 of 2008) extension as per Tax Law 253 -w --
expires 12/1/2011; renewal process. Resolution.
 - b.) Appointment of New Deputy County Clerk June 1. : County Clerk is a
Constitutional/Elected Office; Deputy appted by Clerk (County Law Section 526),
w/letter to BOS; Current Salary \$ 50043 (Range \$45-55,000 as per HR). Reso:
\$ 46,000.
 - c.) ACS Contract: Current contract to conclude May, 2011; Reso to continue with a
interim contract with 30 days notice of termination during period of preparation
and award of RFP.
 - d.) County Clerk Meetings:
Day trip – May 12, 2011 (Rochester). Education Program: E-Filing. ???
County Clerk Summer Conference: Mohonk , NY June 5-8. Package not
received as of this date.
 - e.) Bicentennial Meeting: County Team – April 4; add Supervisor Wood as county
representative; tent. date for next CAC: 5/16/2011 6:30 – 8 at Wbg Town Hall.

Warren County Real Estate Transfer Tax

Description:

Tax imposed on the transfer of real property based on consideration (amount of sale) with first \$ 150,000 exempted from tax as per Warren County. Tax is in addition to NYS RETT imposed by state.

2009 Proposal
=

Legislation:

Article 31 NYS Tax Law -- establishes NYS RETT @ \$ 4 per 1000 over \$ 500 consideration; authority for counties/towns to impose own transfer tax is within the article.

2010 to NYS = \$ 1.2 million

Related Legislation:

All sections within Article 31 relevant.

Exemptions:

Article 31 Section 1402 (standard NYS) plus any exemptions authorized by Warren Co. Local Law. (ie: first \$ 150,000 not taxed) or any other exemptions county may opt. # of deeds with no consideration/no tax varies.

Procedure:

County Committee/BOS/NYS Home Rule/Local Law Hearing/BOS passage/Filing with DOS/Effective Date

Estimated Time:

Depends on Legislative Approval to proceed with Local Law. Est: 3-6 months.

Effective Date: Minimum needed: 1 month after filing with NYS Dept of State. Prefer: 60 days after filing.

Target:

Real Estate Market; Warren County Property Owner (tax is paid by seller).

Computation:

\$ 2 per \$ 1000 of consideration less exemption of first \$ 150,000 (\$ 300) of selling price. Example: \$ 200,000 consideration, seller would pay on \$ 50,000 ie an additional transfer tax of \$ 100.

2009 proposal

Collection:

Clerk designated by County Treasurer to collect additional tax at time of deed recording. (Fees paid at closing, calculated for accuracy by Clerk). Revenue code established. Clerk forwards to Treasurer on monthly basis.

Dedication:

Deposited into WC General Fund or applied to specific county expense.

Advantages:

Generates additional revenue to balance county budget or to aid specific service or program.

Current revenue for processing transfer tax for NYS: \$ 1 per deed

Revenue will grow as market improves.

County exemptions allow for flexibility.

5 counties impose - as of 2009.

Disadvantages:

Targets Real Estate Market --currently unstable.

Discourages potential sales due to increased out-of-pocket costs.

Follows recently imposed real estate recording and tax increases: Recording fees (9/18/08), Local Mortgage Tax (10/1/08) also targeting RE market. + MV Use Tax imposed 2010.

Additional fees affecting real property conveyances also proposed by NYS Governor's budget (increase in RP 5217, Records Mgt/Cultural Ed fees on court and real property) for 2009-2010.

Impacts timeliness of recording process: discrepancies in computing at time of closing by atty/title/real estate agents can result in incorrect tax being collected; upon submission to Clerk any recording/fee discrepancies are rejected, returned to customer for correction.

Advance notice to industry required as closings may be in progress at any time.

Collection requires additional computation manually by Clerk's staff.

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: County Clerk

DATE: 4/27/2011

- (a) Purpose of Request: To amend Local Law 10 of 2008 - Imposing the Warren County Local Mortgage Tax by extending for an additional three years (12/1/2011 to 12/1/2014) - Tax Law 253-w.

- (b) Details: See Local Law 10 of 2008

- (c) Previous Resolution Number: 611 of 2008

- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:
Revenue Code A 1256 Mortgage Tax.

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

RESOLUTION REQUEST FORM NO. 4

Request for Extending, Rescinding or Amending Existing Contract

DEPARTMENT NAME: County Clerk

DATE: 4/26/2011

- (a) Purpose of Contract Change: To extend current contract subject to cancellation by county with 30 days written notice without penalty. Extension allows sufficient time for RFP processing.
- (b) Resolution Number, or Numbers if Amended, which Authorized the Original Contract: 719 of 2004 attached
- (c) Name of Contractor: Affiliated Computer Systems (ACS State and Local Solutions)
- (d) Address of Contractor: 7030 Fly Rd, PO Box 4889, Syracuse, NY 13221
- (e) Contractor's Contact Person and Telephone Number: Dave Carr, Account Sales Executive (603)494-2719
- (f) Commencement Date of Extension: 5/23/2011
- (g) Termination Date of Extension: 5/23/2012 - with option to terminate prior with 30 days notice without penalty.
- (h) Payment Provisions:
 - i) lump sum amount
 - ii) hourly rate amount
 - iii) total amount not to exceed
 - iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc. monthly
- (i) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: OR Capital Project OR Capital Reserve Project Number, and Title, and Amount: Yes. A1410425 Reproduction Expense and A1665425 Reproduction Expense.

WHEREAS, the cabin construction and/or infrastructure of the camp was not done and the County is desirous of using the funds on another project, now, therefore, be it RESOLVED, that Resolution No. 232 of 2004 is amended to rescind the agreement with Cornell Cooperative Extension Association of Warren County for the Capital Improvement Project at 4-H Camp Sacandaga, and be it further

RESOLVED, that with exception of the above amendment, Resolution No. 232 of 2004 shall continue in full force and effect.

Adopted by unanimous vote.

RESOLUTION NO. 719 OF 2004

Resolution introduced by Supervisors Kenny, Belden, Sheehan, Bennett and Bentley

AUTHORIZING SERVICE UPGRADE ADDENDUM TO AGREEMENT WITH ACS GOVERNMENT RECORDS MANAGEMENT TO INCLUDE SOFTWARE UPGRADE AND EQUIPMENT - WARREN COUNTY CLERK

RESOLVED, that Warren County execute a service upgrade addendum (the previous contract being authorized by Resolution No. 496 of 1999 and subsequently renewed by Resolution No. 614 of 2002 and addendum by Resolution No. 332 of 2004) with ACS Government Records Management, P.O. Box 4889, Syracuse, New York 13221, to include the upgrade of existing software and an additional computer workstation in the Clerk's Office, for a new monthly total fee of Eight Thousand Nine Hundred Dollars (\$8,900), with the contract to be a continuing contract terminating upon thirty (30) days notice upon the event of non-appropriation of funds by the Board of Supervisors or election by the County Clerk to terminate the contract for any reason, including that of convenience, and the Chairman of the Board of Supervisors be, and hereby is, authorized to execute said service upgrade addendum in the form approved by the County Attorney.

Adopted by unanimous vote.

RESOLUTION NO. 720 OF 2004

Resolution introduced by Supervisors Monroe, Belden, Bennett, O'Connor, Bentley, Tessier, Champagne, Caimano and Stec

AUTHORIZING AGREEMENT WITH WARREN COUNTY AND ADIRONDACK PARK LOCAL GOVERNMENT REVIEW BOARD FOR FUNDING OF OPERATING COSTS

RESOLVED, that Warren County continue the contractual relationship, (the previous contract being authorized by Resolution No. 762 of 2003), with Adirondack Park Local Government Review Board, Lands End Road, Box 63, Huletts Landing, New York 12841, for Warren County's share of the actual cost of operation of the Review Board, for an amount of Seven Thousand Dollars (\$7,000), for a term commencing January 1, 2005 and terminating December 31, 2005, and the Chairman of the Board of Supervisors be, and hereby is, authorized to execute an agreement in the form approved by the County Attorney, and be it further

RESOLVED, that a report of activities of the Review Board shall be made annually to the Board of Supervisors of Warren County by February 11, 2006.

Roll Call Vote:
 Ayes: 821
 Noes: 0
 Absent: 121 Supervisors Bentley, F. Thomas, Haskell and Quintal
 Abstain: 57 Supervisor Monroe
 Adopted.

Resolution introduced by Sheehan

AUTHORIZING PAY

WHEREAS, the Board for the year 2005 the sum of Fifty-Three Dollars (\$1,548) operation of Adirondack County Warren and Washington, RESOLVED, that the pay to the Treasurer of Adirondack County Forty-Eight Thousand Three as follows:

MONTH
 January, 2005
 April, 2005
 July, 2005
TOTAL

Adopted by unanimous

Resolution introduced by

AUTHORIZING

WHEREAS, the County participating in a regional planning board, by such planning board

WHEREAS, it has of the Lake Champlain Thousand Eight Hundred in conjunction with the and

WHEREAS, the County Cents (\$7,808.50) has purpose, now, therefore, RESOLVED, in 2005 and directed to pay to the Board the amount of Seven upon receipt of a duly Planning Board shall a performance of his duties County.

Adopted by unanimous

David W. Carr
Account Sales Executive
Government Records Mgmt.

Affiliated Computer Services, Inc.
335 Winthrop Street
Hallowell, ME 04347

david.carr@acs-inc.com
fax 781.658.2019
cel 603.494.2719



A **xerox**  Company

ADDENDUM TO SERVICE AGREEMENT

This Service Agreement Addendum (Addendum) made this _____ of _____, 2011 by and between ACS State and Local Solutions, Inc. (a Delaware corporation), DBA ACS Government Records Management, (hereinafter referred to as "the Contractor") and the Warren, NY County Clerk, hereinafter referred to as "the County" and amends the existing computer services agreement.

WHEREAS, Contractor and County entered into a Service Agreement for Professional Services (hereinafter referred to as "The Contract") dated November 1, 2002 and:

WHEREAS, Contractor and County signed a five (5) year Service Upgrade Addendum dated January 2005 which will expire May 23rd, 2011.

WHEREAS, pursuant to the Contract, any alteration of the Contract shall be valid only when reduced to writing, duly acknowledged by the parties hereto by execution of an Addendum to be attached and made part of the Contract.

NOW THEREFORE, intending to be legally bound, the parties hereto agree to modify the Contract as follows:

1. Both parties hereby agree to extend the original Contract for a period of one year, extending the Agreement until May 23, 2012. This addendum is subject to cancellation by the County with thirty (30) days written notice. No penalty will apply.
2. All other terms of the Contract between the parties shall remain in full force and effect unless specifically modified herein.

ENTIRE ADDENDUM: This Addendum and any attachments referenced herein constitute the entire addendum of the parties relative to those computer services specifically contemplated herein (and in any attachments), and supersedes all prior representations, proposals, discussions and communications, whether oral or in writing (unless otherwise specifically incorporated into a particular attachment.). This Addendum may be modified only in writing and in accordance with State Laws and shall be enforceable in accordance with its terms when signed by both parties hereto.

IN WITNESS THEREOF, the Contractor has hereunto affixed its hand and seal and has caused these present to be executed in its name and by the County Officer duly authorized and has caused its corporate seal to be hereto affixed.

Warren County, NY

ACS Enterprise Solutions, Inc.
Government Records Management Division



Hubert P. Auburn

Vice President

Signature (s)

4/25/11

Dated

Dated

ATTEST:

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: County Clerk

DATE: 4/26/2011

- (a) Employee Name, Title and Employee No.: n/a
- (b) Current Annual Base Salary (and Grade if Applicable): To set base salary for Deputy County Clerk at \$ 46,000.
- (c) Former Annual Base Salary (and Grade if Applicable): n/a
- (d) Effective Date for Salary Change:* June 1, 2011
*Please do not backdate request unless the purpose is to correct an error.
- (e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position? List Budget Code (with title), Object Code (with title), and Amount:
- (f) Justification of Request: Deputy County Clerk position is an appointment made by the County Clerk Section 526 and 401), required Deputy to constitutional, elected County Clerk.