

DEEDS

544

**BROOME COUNTY CLERK  
2018 ANNUAL REPORT**

Joseph A. Mihalko

DEEDS

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**Joseph A. Mihalko**  
*Broome County Clerk*

March 1, 2019

Honorable Jason Garnar  
Broome County Executive

Honorable Members of the  
Broome County Legislature

Dear Honorable Colleagues:

Following my first full year in Office, I'm pleased to submit the Broome County Clerk's 2018 Annual Report.

Our Office is comprised of three primary subdivisions: Recording & Filing (commonly known as The Clerk's Office), Records Management, and the Department of Motor Vehicles. Our dedicated staff of 26 full-time and 7 part-time employees provide many services to the residents of Broome County including the recording of various real property documents, filing of Civil & Criminal Court cases, processing DMV transactions based on NYS DMV Regulations, maintaining records produced by Broome County government agencies, as well as providing essential Notary and Passport services.

Last year, the Clerk's Office collected \$9,614,261.13 in revenue, only 16% of which was retained by Broome County for division between the General Fund, the Office for Aging and the Veterans Services Agency. More than two-thirds of the revenue we collect is transferred to Albany and Washington D.C.

The Broome County Clerk's Office had an exciting and productive year in 2018. In an effort to generate additional revenue and better serve the community, we installed DMV Drop Boxes in 6 different locations throughout the county, we held 3 Passport Fairs, we expanded our "summer hours" to maximize public access, we created a Facebook page ([www.facebook.com/BroomeCountyClerk](http://www.facebook.com/BroomeCountyClerk)) to keep residents apprised of official County Clerk-related news and we began selling E-ZPass tags to increase accessibility as New York State transitions to a cashless tolling system.

Finally, I'm excited to report that the County Clerk's Office secured \$70,000 in grant funding to cover the costs of various operational and capital expenses.

I'd like to extend my heartfelt thanks to every member of my staff for going above and beyond for the people of Broome County throughout the year.

Respectfully submitted,

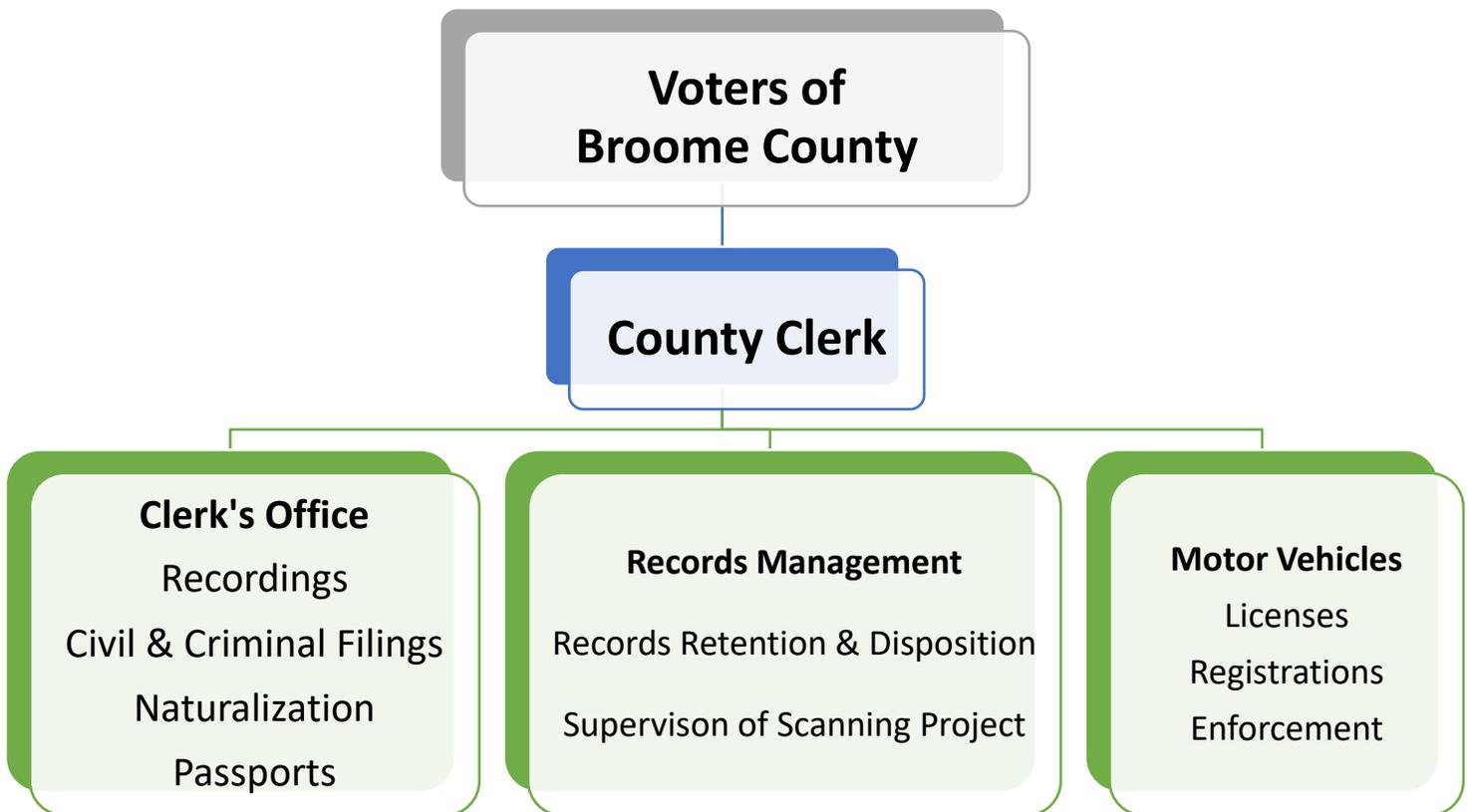
Joseph A. Mihalko  
Broome County Clerk

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# County Clerk

## Organizational Chart



# 2018 By the Numbers

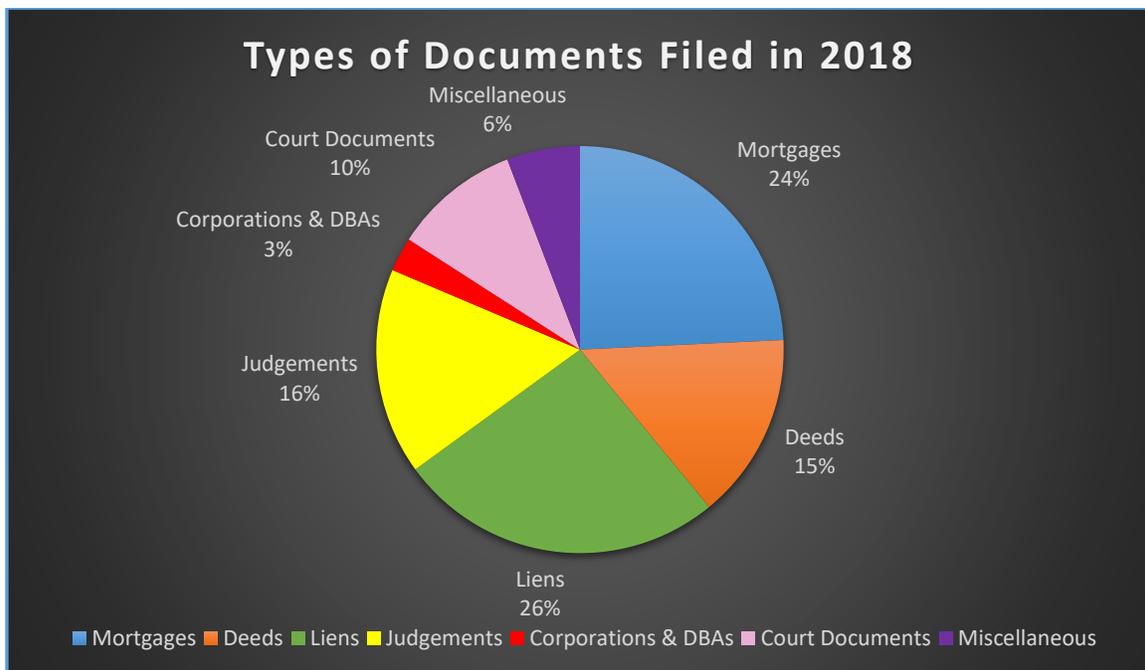
|                |   |
|----------------|---|
| <b>153,292</b> | DMV Transactions  |
| <b>39,395</b>  | Documents Processed by Broome County Clerk's Office       |
| <b>14,027</b>  | Cubic Feet of Records Stored                              |
| <b>377</b>     | Passports Books & Cards Issued                            |
| <b>221</b>     | Newly Naturalized American Citizens                       |
| <b>68%</b>     | of revenue passed to New York State or Federal Government |
| <b>50,000</b>  | Pounds of Paper Destroyed                                 |

# §1

# Clerk's Office

The Clerk's Office oversees the processing, filing, scanning and storing of thousands of vital property, business and court documents every year. These documents must be maintained for the statutorily mandated length of time. Depending on the type of document, this could range from 6 years to permanently. In addition, the County Clerk is responsible for safeguarding the vital history records of the county, as well as the records of other county departments, stored in our Records Center at the former Ramp Industries building in Binghamton.

In 2018, the Clerk's Office processed 39,395 documents for the residents and businesses of Broome County.



| Document Type       | Number Filed | Percent of Total |
|---------------------|--------------|------------------|
| Mortgages           | 9,552        | 24.25%           |
| Deeds               | 5,839        | 14.82%           |
| Liens               | 10,207       | 25.91%           |
| Judgements          | 6,465        | 16.41%           |
| Corporations & DBAs | 1,068        | 2.71%            |
| Court Documents     | 3,976        | 10.09%           |
| Miscellaneous       | 2,288        | 5.81%            |

In the chart above, Miscellaneous includes: Lis Pendens (Pending Legal Actions), Uniform Commercial Code filings, Maps, Small Claim Assessments, Power of Attorney and Release of Estate Tax Liens.

Our office transitioned to mandatory E-filing of civil actions and E-recording of Deeds and Mortgages in 2016. This process has continued to be successful, while also cutting down on the number of paper documents we physically store on-site.

Additionally, all public record documents that are stored digitally by the Clerk's Office are available to the public online through a contract with Info Quick Solutions (IQS). These documents can be downloaded for a fee on the County Clerk's website. As outlined in our contract, IQS retains 20% of the revenue from these downloads as their fee for service. These documents can be downloaded for a fee of \$1.90 per document or by a subscription of \$250 per month for unlimited downloads. The county received \$151,575.10 in revenue from this service in 2018.

In addition to the variety of services that produce revenue for the county, the Clerk's Office also provides several no fee services to members of the public including Notarizations, Oaths of Office, Veterans Discount Cards, Commissioners of Deeds and Naturalization Ceremonies.

While a large focus of the office has been to moving to digital documents, thousands of volumes of documents are still located in the Clerk's Office on the third floor of the County Office Building. In addition to processing new documents, our staff also assists people searching for documents in-house. Members of the legal community and title searchers utilize the documents in our office throughout the week for various projects. Some firms have taken advantage of our option to rent a booth within the office so they have their own personal workspace.

With the goals of digitization and preservation of older records and documents in mind, the Broome County Clerk's Office is working on quartet of approved Capital Projects for 2019.

First, we aim to continue digitizing the permanent inactive departmental records that are currently housed at the Records Center (Ramp Building at 1 North Floral Avenue). The plan is to continue to scan and digitize all permanent paper records. Previous capital projects from 2014, 2015, and 2017 have started this process, and a fourth capital project was approved for 2019, but thousands of additional documents still require scanning.

Second, we will resume the digitization of older land records. The Clerk's Office houses books of land records dating back to 1806. Most of the land records back to 1964 have been scanned and indexed into our IQS system. Our office's stakeholders have requested that we resume the process of scanning and indexing land records past 1964. The 1964 cutoff date, which was set up years ago to allow for 40-year online title searches and abstracts, is often insufficient for land surveyors and law firms who need to research back 100 years or more.

Third, we will digitize our office's collection of survey and subdivision maps. In 2008, approximately 6,000 maps were scanned onto CDs. We would like to import those maps and their indexing information onto our online document system. Additionally, we would scan and index the 2008-2018 maps into the system. Under recently enacted New York State legislation, future maps would be submitted electronically, eliminating the need to scan.

And finally, many of our older books of land records are fragile after decades of use and are in desperate need of repair and rebinding. This has resulted in books being removed from general circulation. These fragile, older land records are going to be repaired and returned to circulation in 2019 to allow searchers to access the information they need.

To maximize public access to these documents, the Broome County Clerk's Office made a policy decision to remain open and fully staffed from 8:00 AM to 4:30 PM (as opposed to 4:00 PM) during the county's shortened "summer hours," mirroring the business hours of our local Courts. As an office that serves the public, it's important that we're as accessible to the public and members of the legal community as possible.

# §1(a)

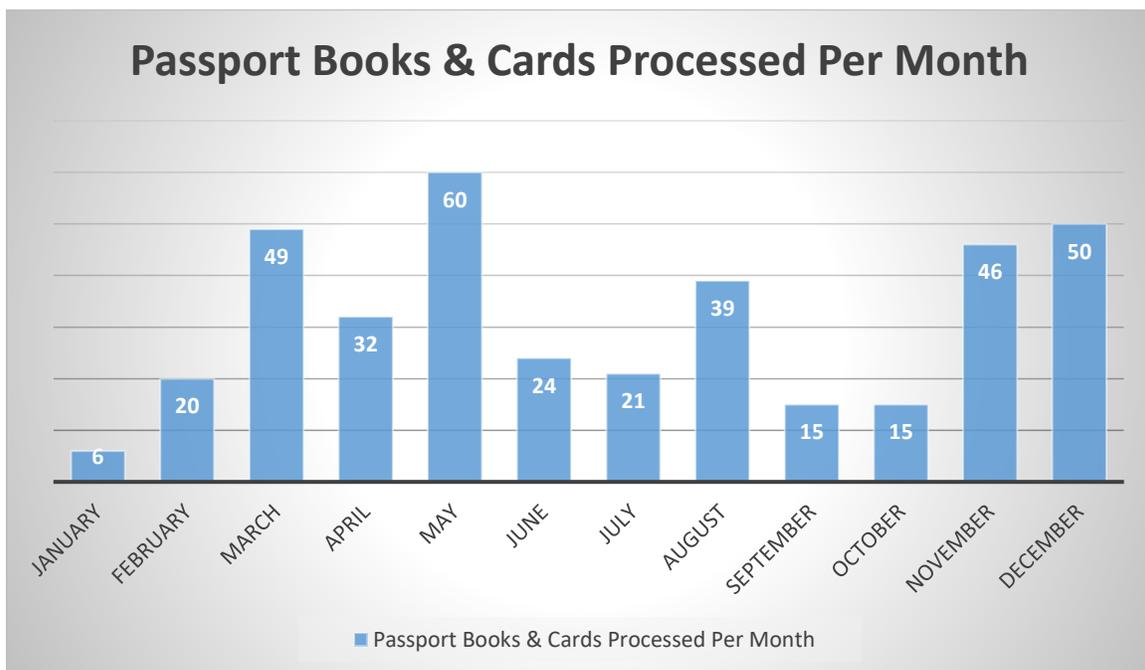
# Passports

The County Clerk’s Office acts as Passport Acceptance Agents for the federal government. All fees and requirements are set by federal Law. Each Acceptance Agent within the Clerk’s Office is required to be certified as such, and their certifications must be renewed annually. In 2018, 8 out of 11 Clerk’s Office Employees, including County Clerk Mihalko, were certified Passport Acceptance Agents.

The Clerk’s Office offers optional services when processing passports, including passport photos for a \$10 fee. Only about half of the County Clerk’s Offices statewide offer passport photo services.

Up until May 2018, Broome County also allowed applicants to pay for their passport applications with a credit or debit card for a \$10 fee. We would then issue a check to the federal government on the applicant’s behalf. Midway through the year, however, the federal government stopped accepting county-issued checks and now requires applicants to pay with a check (personal, certified, cashier’s, traveler’s) or money order.

In 2018, the Broome County Clerk’s Office processed 377 Passport Book and Passport Card applications. As demonstrated in the chart below, the volume was slightly elevated in May, November and December, due in part to the Passport Fairs that we held at the Union Town Hall (5/15/18), Broome-Tioga BOCES (11/14/18) and at Seton Catholic Central (12/4/18). We hold these Fairs as a convenience for residents who need to obtain passports, but may not be able to visit our downtown Binghamton office during normal business hours.



Last year, the Broome County Clerk’s Office collected \$52,578.48 in Passport Fees, \$38,418.48 (or 73%) of which was passed along to the federal government. The county retained \$14,160.00 in acceptance fees, photo fees and credit card transaction fees (accrued from January 1<sup>st</sup> through the end of April).

The federal government increased the county’s Acceptance Fee from \$25 to \$35 on April 1<sup>st</sup>.

| Federal Fees          |                          | Fee   | #         | 2018 Revenue       |
|-----------------------|--------------------------|-------|-----------|--------------------|
|                       | Expedited Fee            | 60.00 | 36        | 2,160.00           |
| Overnight Return Fee  | 15.89                    | 32    | 508.48    |                    |
| Passport Book - Adult | 110.00                   | 274   | 30,140.00 |                    |
| Passport Book - Minor | 80.00                    | 54    | 4,320.00  |                    |
| Passport Card - Adult | 30.00                    | 37    | 1,110.00  |                    |
| Passport Card - Minor | 15.00                    | 12    | 180.00    |                    |
|                       |                          |       |           | <b>\$38,418.48</b> |
| Clerk Retained Fees   | Acceptance fee           | 35.00 | 346       | 11,420.00          |
|                       | Passport Credit Card fee | 10.00 | 29        | 290.00             |
|                       | Passport Photo Fee       | 10.00 | 245       | 2,450.00           |
|                       |                          |       |           |                    |

# §1(b) Naturalization

Many people do not realize that one of the County Clerk’s duties is welcoming newly Naturalized Citizens through a Naturalization Ceremony. This ceremony is a deeply patriotic and meaningful occasion where the Clerk helps to welcome those seeking the American Dream. **In 2018, the Broome County Clerk’s Office participated in the Naturalization Ceremony of 221 new citizens from 73 different countries.** The County Clerk, or his designee, has the honor of administering the *Naturalization Oath of Allegiance to the United States of America* to all new citizens as part of the Ceremony. The Oath reads:

*"I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God."*

These citizens undergo testing and background checks performed by the U.S. Department of Homeland Security, Citizenship and Immigration Services Division. Homeland Security, in conjunction with a New York State Supreme Court Judge, leads the ceremony and presents each new Citizen with their official documentation and credentials.

| 2018 Most Common Countries of Origin | Country     | # of Citizens |
|--------------------------------------|-------------|---------------|
|                                      | Canada      | 10            |
|                                      | China       | 13            |
|                                      | Germany     | 7             |
|                                      | Haiti       | 8             |
|                                      | India       | 10            |
|                                      | Iraq        | 9             |
|                                      | Mexico      | 5             |
|                                      | Pakistan    | 7             |
|                                      | Philippines | 14            |
|                                      | Poland      | 4             |
|                                      | Russia      | 9             |
|                                      | South Korea | 4             |
|                                      | Sudan       | 4             |
|                                      | Turkey      | 4             |
|                                      | Ukraine     | 8             |
| United Kingdom                       | 4           |               |
| Vietnam                              | 8           |               |



As part of this ceremony, citizens also have the option to *Petition for Name Change*. The County Clerk certified 33 name changes for our newly naturalized citizens in 2018.

## §1(c)

## E-ZPass

Our office is excited to announce that in early October 2018, we began selling E-ZPass tags for private passenger vehicles. We're offering this new service to make the tags more accessible to Broome County residents as New York State moves toward a cashless tolling system.

By the end of 2020, traditional toll booths throughout New York State will be replaced with large electronic overhangs equipped with cameras and scanners. Vehicles without E-ZPass tags that pass through these cashless tolling facilities will be photographed and a bill for the non-discounted toll will be mailed to the vehicle's registered owner. Drivers using E-ZPass typically save 30–50% on every toll.



These tags can be purchased at the Broome County Clerk's Office for \$25 each. We accept cash, checks or credit cards. Upon purchase, \$25 is credited to the customer's online account.

Between October 15<sup>th</sup> and December 31<sup>st</sup>, the Broome County Clerk's Office sold 40 E-ZPass tags. The county retains \$4 of revenue for every tag sold.

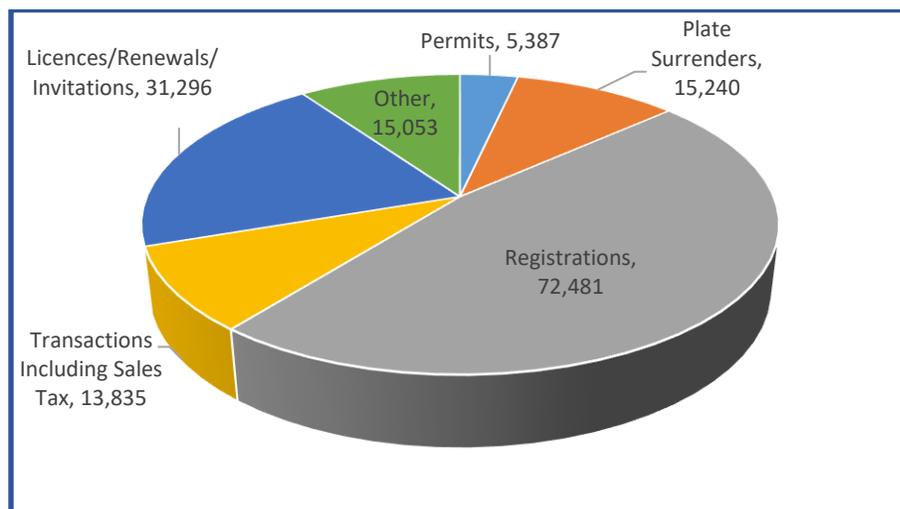
# §2 Department of Motor Vehicles

Broome County operates two local Department of Motor Vehicles Offices, located in Binghamton and Endicott. The Endicott DMV offers both weekday and Saturday hours, while the Binghamton office is open Monday - Friday. Additionally, each weekday there is a Satellite Office that is rotated throughout the rural areas of the county. While the Mobile Offices do offer most of the same services that the physical DMV offices offer, they are unable to offer the Enhanced Driver's License, CDL Exams or process Enforcement transactions, including the issuance of Conditional or Restricted Licenses.

Offering the Mobile Offices and Saturday hours has become increasingly important as a means of encouraging residents to visit their local DMV Office as opposed to using the internet or mail for their motor vehicle transactions. When DMV transactions are processed at our local DMV offices, Broome County retains 12.7% of the transaction value. These funds are kept locally and help to keep county taxes down by offsetting county expenses. Currently, only 40% of all DMV transactions are processed locally. If everyone utilized our local DMVs, we could potentially generate \$500,000 in additional revenue for Broome County.

Conversely, when residents mail their paperwork to the New York State Department of Motor Vehicles or process their DMV transactions online, New York State retains 100% of that revenue.

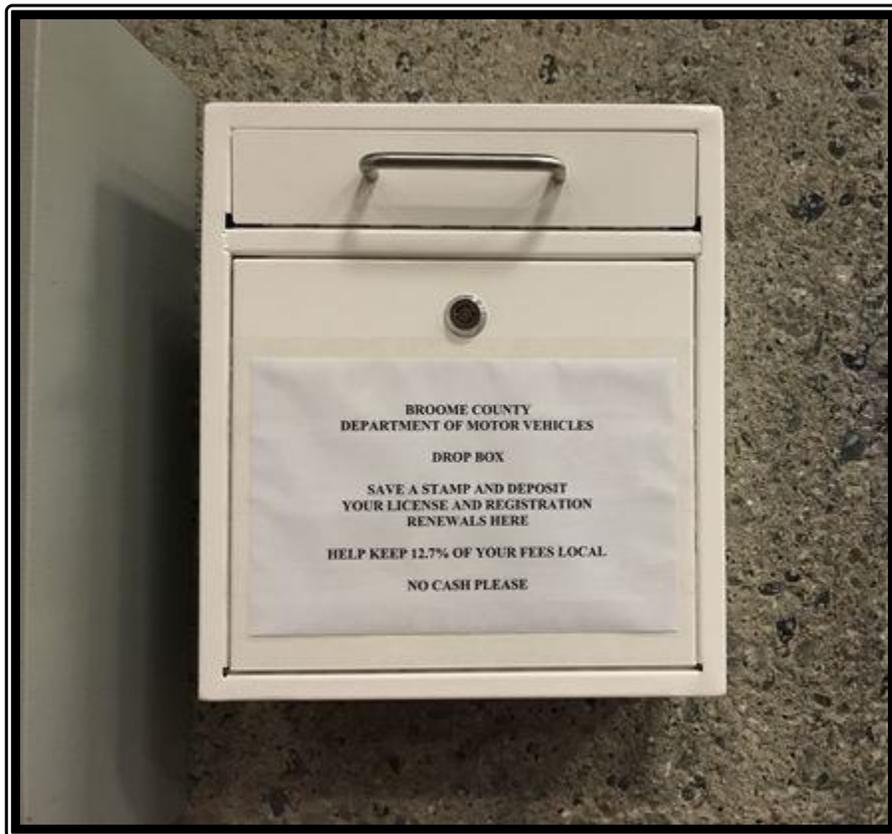
In 2018, our local DMVs processed 153,292 transactions, broken down as follows:



\* Other includes: Abstracts, Boats, Duplicate Titles, Enforcement, Financial Security and Non-Drivers ID

In 2018, the Broome County Clerk’s Office initiated a variety of outreach efforts to encourage the use of our local DMVs, especially by those in rural and suburban areas. For starters, we installed DMV “Drop Boxes” in 6 different locations throughout the county:

- Broome West Senior Center: 2801 Wayne Street in Endwell
- Eastern Broome Senior Center: 27 Golden Lane in Harpursville
- Northern Broome Senior Center: 12 Strongs Place in Whitney Point
- Johnson City Senior Center: 30 Brocton Street in Johnson City
- First Ward Senior Center: 226 Clinton Street in Binghamton
- Broome County Office Building: 60 Hawley Street in Binghamton



These Drop Boxes are a real timesaver for residents who want to renew their license and vehicle registrations locally but are unable to visit our Offices during normal business hours. In 2018, 26 renewals were collected in our Drop Boxes. We strongly encourage residents to save their stamps and skip the lines by utilizing this convenient new service.

This year we also enclosed a flyer with each homeowner’s property tax bill reminding residents that they can help lower their county property taxes by using our local DMV services. Approximately 60,000 households received the flyer in late 2018 and we’re looking forward to capturing a larger percentage of DMV work in our local offices in 2019.

In 2018, 47% of our DMV transactions were processed in Endicott. This is most likely a result of their Saturday hours.

Our Endicott Office is one of only two DMVs in New York State that offer weekend hours, so we draw customers from nearly every county in the Southern Tier and beyond.

The Binghamton DMV processed 42% of the transactions and 11% were done in the Mobile Offices.

|                              | <b>Location</b>                            | <b>Hours</b>                                    |
|------------------------------|--|---|
| <b>Binghamton DMV Office</b> | 81 Chenango Street, Binghamton             | Monday - Friday 8am - 5pm                       |
| <b>Endicott DMV Office</b>   | 137 Washington Avenue, Endicott            | Monday - Friday 8am - 5pm<br>Saturday 8am - 1pm |
| <b>Mobile DMV Offices</b>    | Eastern Broome Senior Center, Harpursville | Monday 10am - 3pm                               |
|                              | Conklin Town Hall                          | Tuesday 10am - 3pm                              |
|                              | Triangle Town Hall                         | Wednesday & Friday 10am - 3pm                   |
|                              | Windsor Town Hall                          | Thursday 10am - 3pm                             |

## §3 Records Management

The Records Center stores boxes of documents for county departments at the former Ramp Industries complex on Floral Ave in Binghamton. The records were moved to this location in 2016 and the space is shared with the Board of Elections and the District Attorney’s Office; however, the County Clerk is responsible for the building’s utilities and facility charges. The Board of Elections stores the county’s voting machines and conducts training of poll workers at the facility, while the District Attorney’s Office utilizes the space for evidence storage.

Since taking office in January 2018, County Clerk Joe Mihalko has been exploring the viability of remaining at the Ramp Building. A number of issues have been brought to our attention, including the presence of moisture and mold in the document storage area. There are also numerous structural concerns with the building. The County Clerk also discovered upon entering office that there were unresolved fire inspection issues from 2016 and 2014. With the preservation of documents being the Records Management Division’s primary role for the county, our office needs to be sure that these documents and the staff who access them, remain safe.

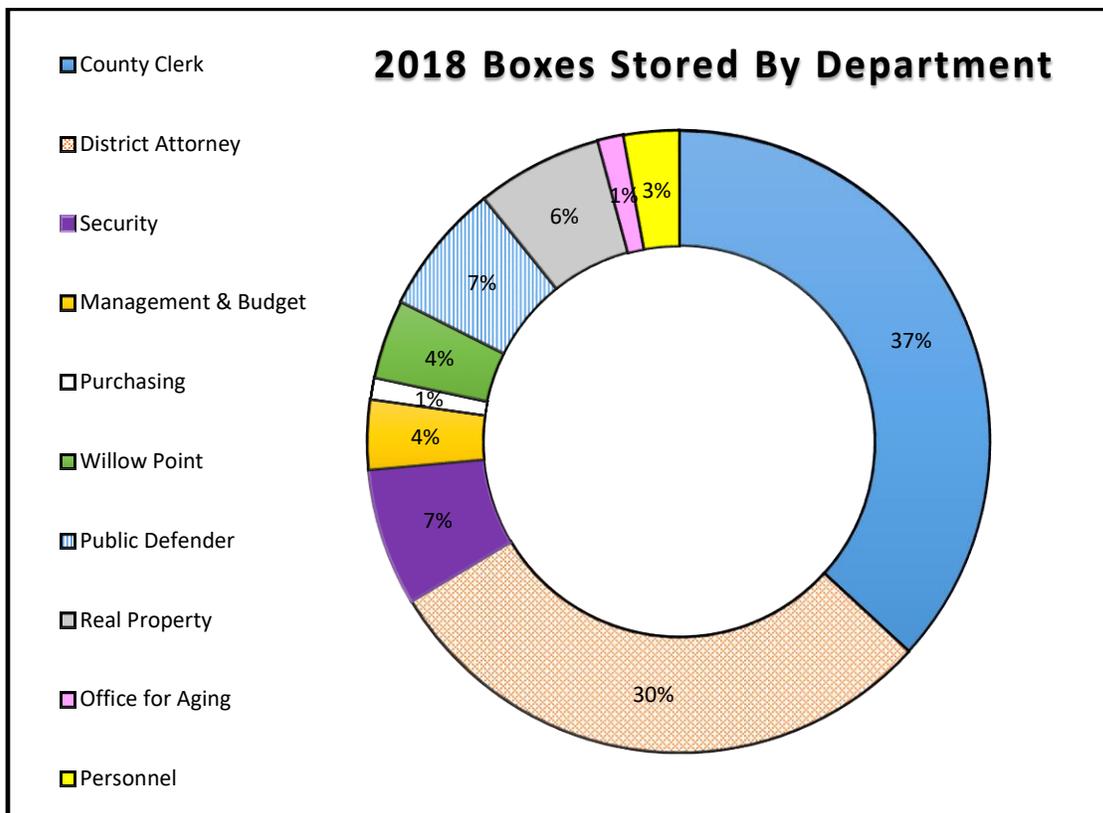


To that end, the County Clerk’s Office is excited to report that we secured a \$26,500 Local Government Efficiency Grant to study our existing records management functions and explore the creation of a consolidated regional records storage program.

Additionally, in late 2018, a new software package, AMMS, was purchased to update the Records Management Division’s inventory.

The Clerk’s Office currently oversees the storage of over 14,000 boxes of records from 40 different county departments. Between the 2 scheduled destructions we performed in April 2018 and January 2019, 2,442 boxes of outdated records were destroyed, equating to roughly 120,000 pounds of paper.

Of the 40 departments utilizing our warehouse, the following agencies use the most storage:

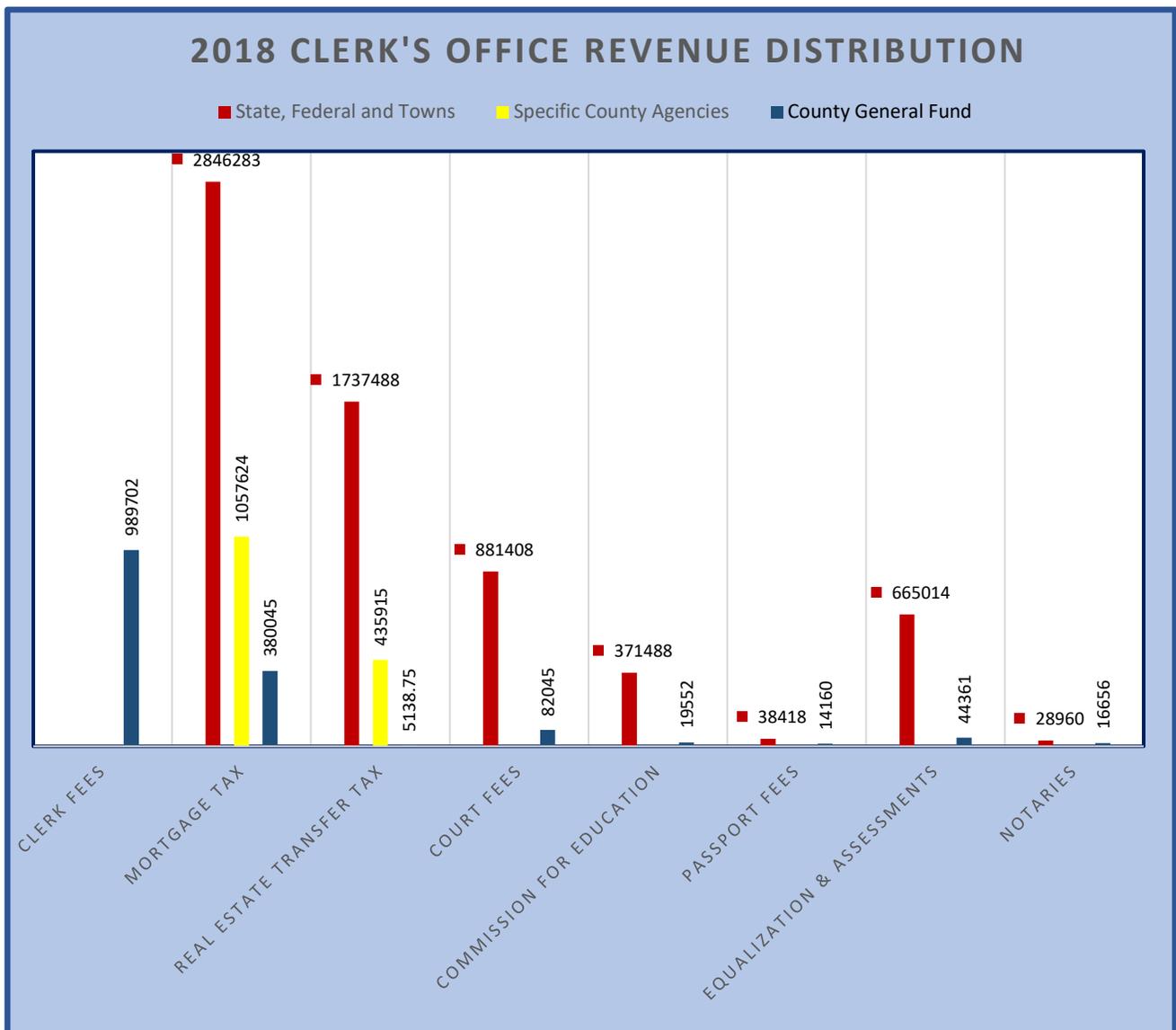


In October 2017, the Clerk’s Office contracted with Datrose Inc for in-house scanning services. They’re responsible for scanning, indexing, proofing and destroying our paper records. All the documents are scanned into the county’s OnBase system. Through the contract, the Records Management Division has 3 full-time scanners on staff working out of the County Office Building. To reduce the number of physical documents in storage, the project was extended through the end of 2019.

# §4

# Budget

Since taking office in January 2018, County Clerk Mihalko has not just blindly followed previous budgets. Rather, he and his staff have looked at our revenue and expenses with fresh eyes and made various adjustments to “right size” the budget in many areas. Even with those changes across all 3 subdivisions, our Department’s proposed 2019 budget generated \$27,000 more toward the General Fund than the 2018 adopted budget. That is especially impressive when one considers the Clerk’s Office collects several taxes and fees on behalf of other Departments and Agencies. While the Clerk’s Office may retain a portion of some fees, for the most part the office merely acts as a collection or pass-through department for these fees.



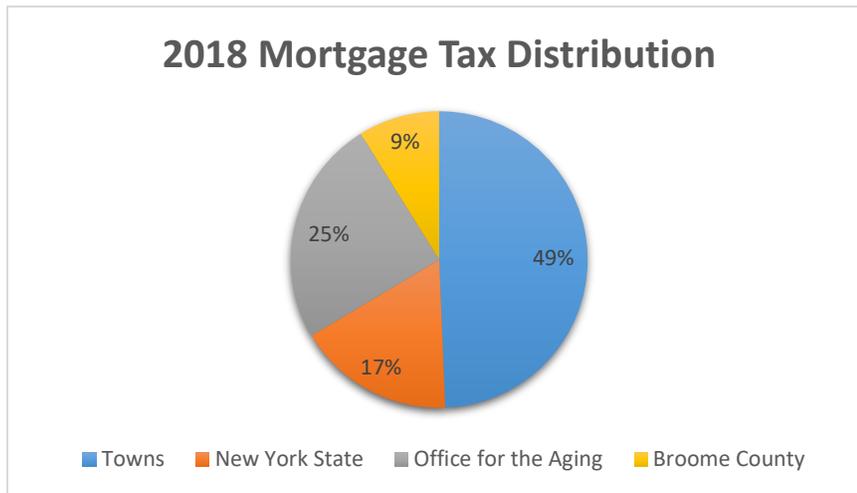
### **Real Estate Transfer Tax**

In accordance with Article 31 of the New York State Tax Law, this tax is collected on Deeds filed with the Clerk’s Office. The tax rate is based on the transaction price on the deed and is \$5 per \$1,000 of transaction price. This tax is split with 20% of the total annual collection being directed to the Broome County Veterans Services Department and 80% of the total collection is sent to the State and is dedicated to the Environmental Protection Fund.

### **Mortgage Recording Tax**

In accordance with Article 11 of the New York State Tax Law, this tax is assessed on mortgages for single and multi-family dwellings, commercial property and vacant land through private lenders or Federal Credit Unions. The tax rate is based on the amount of the mortgage debt or obligation secured and is broken down as follows:

- “Basic Tax” = \$0.50 per \$100 borrowed – the revenue from the Basic Tax is passed to the Town
- “Special Additional Tax” = \$0.25 per \$100 borrowed – the revenue is mostly passed to New York State; however, the county does retain a small portion to cover the costs of administering the tax
- “Local Tax” = \$0.25 per \$100 borrowed – the revenue funds the County Office for Aging



Of the \$4,283,953 collected in 2018, only \$380,045 or 9% was retained by Broome County.

### **Equalization and Assessment**

In accordance with §333(3) and §574 of the New York State Real Property Law, a fee of \$250 or \$125 is assessed on each RP-5217 form filed with the Clerk’s Office. The county only retains \$9 from each transaction. The remainder is then passed to the State General Fund. Of the \$709,375 collected in 2018, Broome County only retained \$44,361.

**Notary Licensing**

The Clerk’s Office processes Notary Public Commissions on behalf of the New York State Department of State. All notary fees are collected by the Clerk’s Office. The renewal fee is \$60, of which Broome County only retains \$20. The remainder is sent to the NYS Department of State.

**Passports**

The Clerk’s Office is a certified passport acceptance agency. The Office collects all passport fees and passes them along to the federal government. The Clerk only retains an acceptance fee, which the federal government raised from \$25 to \$35 effective April 1, 2018.

| Revenue Stream           | State, Feds, Towns                      | Specific County Agencies                  | County General Fund |
|--------------------------|---|---|---------------------|
| Clerk Fees               |   |   | \$989,702.60        |
| Mortgage Tax             | \$2,114,628.35<br>(Towns)               | \$1,057,624.51<br>(Office for Aging)      | \$380,045.00        |
|                          | \$731,655.33<br>(New York State)        |   |                     |
| Real Estate Transfer Tax | \$1,737,488.00<br>(New York State)      | \$435,915.90<br>(Veterans Service Agency) | \$5,138.75          |
| Court Fees               | \$881,408.21<br>(NYS Court System)      |   | \$82,045.00         |
| Commission for Education | \$371,488.00<br>(New York State)        |   | \$19,552.00         |
| Passport Fees            | \$38,418.48<br>(US Department of State) |   | \$14,160.00         |
| E & A / RP-5217          | \$665,014.00<br>(New York State)        |   | \$44,361.00         |
| Notaries                 | \$28,960.00<br>(New York State)         |   | \$16,656.00         |
| Totals                   | \$6,569,060.37                          | \$1,493,540.41                            | \$1,551,660.35      |
|                          |   |   |                     |
| <b>Total Revenue:</b>    |   |   |                     |