

# Government, Courts & Consumer Affairs Committee



## AGENDA - REGULAR MEETING

OSWEGO COUNTY, NEW YORK

**Date/ Time:** Monday, March 4, 2024 at 9:00 a.m.

**Location:** Conference Room E - Legislative Office Building 46 East Bridge Street Oswego, New York

### COMMITTEE MEMBERS:

David Holst, Chair	Legislator, 4 <sup>th</sup> District
Michael Yerdon, Vice Chair	Legislator, 1 <sup>st</sup> District
Edward Gilson	Legislator, 3 <sup>rd</sup> District
James Scanlon	Legislator, 16 <sup>th</sup> District
Robert Wilmott	Legislator, 18 <sup>th</sup> District
Noelle Salmonsens	Legislator, 21 <sup>st</sup> District
Charles Burger	Legislator, 17 <sup>th</sup> District

### CALL TO ORDER:

- Pledge of Allegiance

### APPROVAL OF MINUTES:

- Approval of Minutes for the Government, Courts and Consumer Affairs Committee's regular meeting on February 5, 2024.

### RESOLUTIONS:

- GC-1** A Resolution Fixing Time and Place for Public Hearing Relative to Proposed County of Oswego Local Law No. 1 of The Year 2024, Entitled "A Local Law Creating the Department of Information Technology for The County Of Oswego"
- GC-2** A Resolution Requesting the Approval of the Commissioner of the New York State Department of Taxation and Finance Regarding Additional Mortgage Tax Monies to be Retained by the County Under Tax Law §262
- GC-3** Resolution Appointing Acting Assigned Counsel Plan Administrator for The County of Oswego

### COMMITTEE REVIEW & DECISIONS:

- None

### REPORTING DEPARTMENTS:

- Weights and Measures Department Updates
  - 2023 Annual Report
- County Clerk Department Updates
  - 2023 Annual Report

- Board of Elections
- Strategic Initiative Department Updates
- Real Property Department Updates
- Public Defender Department Updates
- Assigned Council Department Updates
- County Administrator Updates

**EXECUTIVE SESSION:**

- Proposed or pending litigation – Attis Ethanol Fulton

**ADJOURNMENT:**

# Government, Courts & Consumer Affairs Committee **DRAFT**



## MINUTES - REGULAR MEETING

OSWEGO COUNTY, NEW YORK

**Date/ Time:** Monday, February 5, 2024 at 9:00 a.m.

**Location:** Conference Room E - Legislative Office Building 46 East Bridge Street Oswego, New York 13126

### COMMITTEE MEMBERS:

David Holst, Chair	Legislator, 4 <sup>th</sup> District	Present
Michael Yerdon, Vice Chair	Legislator, 1 <sup>st</sup> District	Present
Edward Gilson	Legislator, 3 <sup>rd</sup> District	Present
Noelle Salmonsén	Legislator, 21 <sup>st</sup> District	Present
James Scanlon	Legislator, 16 <sup>th</sup> District	Present
Robert Wilmott	Legislator, 18 <sup>th</sup> District	Present

### STAFF AND GUESTS:

Frank Castiglia	Terry Wilbur	Louis Lombardi	Veronica Turner
Kelly Jordal	Dave Turner	Richard Mitchel	Kevin Gardner

### CALL TO ORDER:

The Regular meeting of the Government, Courts, and Consumer Affairs Committee was called to order at 9:00 a.m. by Chair David Holst with Deputy Clerk of the Legislature present. The meeting commenced with the Pledge of Allegiance.

### APPROVAL OF MINUTES:

**Motion to Approve December 4, 2023, meeting minutes:** Legislator M. Yerdon

**Second:** Legislator Scanlon

**Vote:** Unanimous, motion carried

The minutes for the Government, Courts & Consumer Affairs Committee's Regular Meeting on December 4, 2023 are approved.

### RESOLUTIONS:

**GC-1** Resolution Authorizing the Execution of a Joint Defense Agreement By and Between the City of Oswego, The Oswego City School District Concerning the Oswego Harbor Power, LLC Tax Certiorari Litigation

**Motion to amend to include updated agreement (See Handout):**

Legislator M. Yerdon

**Second:** Legislator Wilmott

**Vote:** Unanimous, motion carried

**Motion to approve as amended:** Legislator M. Yerdon

**Second:** Legislator Scanlon

**Vote:** Unanimous, motion carried

- GC-2** Resolution Denying Administrative Correction and Tax Refund or Credit Pursuant to New York State Real Property Tax Law §554 and §556 Regarding Real Property Located at 865 County Route 7 in the Town of Hannibal

**Motion to amend Name:** Legislator Scanlon

**Second:** Legislator M. Yerdon

**Vote:** Unanimous, motion carried

**Motion to approve as amended:** Legislator Wilmott

**Second:** Legislator M. Yerdon

**Vote:** Unanimous, motion carried

- GC-3** Resolution Authorizing Budgetary Modification Department of Public Defender – Holiday Premium

**Motion to approve:** Legislator Scanlon

**Second:** Legislator M. Yerdon

**Vote:** Unanimous, motion carried

- GC-4** Resolution Appointing an Individual to Fill a Vacancy in the Office of County Legislator in and for the 17th Legislative District

**Motion to amend to include Name in Resolution:** Legislator M. Yerdon

**Second:** Legislator Wilmott

**Vote:** Unanimous, motion carried

**Motion to approve as amended:** Legislator Wilmott

**Second:** Legislator M. Yerdon

**Vote:** Unanimous, motion carried

- GC-5** Resolution Amending the Medicaid Compliance Plan and Related Policies for Oswego County

**Motion to approve:** Legislator M. Yerdon

**Second:** Legislator Wilmott

**Vote:** Unanimous, motion carried

#### **COMMITTEE REVIEW AND DECISIONS:**

- None

#### **REPORTING DEPARTMENTS:**

- Terry Wilbur provided a verbal Clerk Department Update (See handout)
- Dave Turner provided a Strategic Initiative Department Update
- Corey Metz provided a Real Property Department Update
- Louis Lombardi Provided a verbal update for the Public Defender's Office

**ADJOURNMENT:**

**Motion to adjourn at 9:30 a.m.:** Legislator M. Yerdon

**Second:** Legislator Scanlon

**Vote:** Unanimous, motion carried

**DRAFT**

Raven Ahart

Deputy Clerk of the Legislature



**RESOLUTION NO.**

March 14, 2024

**A RESOLUTION FIXING TIME AND PLACE FOR PUBLIC HEARING  
RELATIVE TO PROPOSED COUNTY OF OSWEGO LOCAL LAW NO. 1 OF THE  
YEAR 2024, ENTITLED "A LOCAL LAW CREATING THE DEPARTMENT OF  
INFORMATION TECHNOLOGY FOR THE COUNTY OF OSWEGO"**

By Legislator Holst:

UPON the recommendation of the General Government Committee of this body, be  
it

RESOLVED, that the Oswego County Legislature shall hold a Public Hearing on the  
proposed County of Oswego Local Law Number 1 of 2024, entitled "A LOCAL LAW  
CREATING THE DEPARTMENT OF INFORMATION TECHNOLOGY FOR THE  
COUNTY OF OSWEGO" on the 11<sup>th</sup> day of April, 2024, at 7:00 o'clock, in the evening of  
said day at the Oswego County Legislative Chambers, County Office Building, 46 E. Bridge  
Street, Oswego, New York 13126; and be it further

RESOLVED, that the Clerk of the Oswego County Legislature cause notice of such  
Public Hearing to be published in the Official Newspapers of the County and post the same  
as required by law.

**RESOLUTION PASSED/FAILED, WITH A VOICE/ROLL CALL VOTE**

**YES:**

**NO:**

**ABSENT:**

**ABSTAIN:**

**COUNTY OF OSWEGO  
LOCAL LAW NUMBER 1 OF 2024  
“A LOCAL LAW CREATING THE DEPARTMENT OF INFORMATION TECHNOLOGY  
FOR THE COUNTY OF OSWEGO”**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF OSWEGO, AS FOLLOWS:

**SECTION 1: LEGISLATIVE INTENT AND PURPOSE**

The County of Oswego owns various public buildings and technology assets throughout the county, operates an E-911 Center and interoperable radio system as well as its own computer networks. Improvements to the county’s systems and networks often involve all or multiple departments and interconnected systems, requiring coordination of vendors, county information technology resources, as well as adherence to organization-wide policies and procedures. This body hereby finds and determines that a single department tasked with general oversight of all technology assets owned, leased or utilized by the County of Oswego will promote governmental efficiency, optimize cybersecurity protection and result in cost savings to the county. The purpose of this enactment is to statutorily consolidate the various information technology related functions and duties heretofore performed by various departments of the County of Oswego a single county department except where otherwise required by law or state/federal regulation. The county changed the name of the Data Processing Department to the Department of Central Services by Resolution Number 265 of 1977. As technology and information needs are constantly evolving, as are heightened network and data security requirements, this body finds that a new department with increased powers and duties will best serve the County of Oswego and its residents in the information and technology arena.

**SECTION 2: DEPARTMENT OF INFORMATION TECHNOLOGY CREATED;  
DEPARTMENT OF CENTRAL SERVICES ABOLISHED**

Pursuant to the applicable provisions of the Municipal Home Rule Law, the Oswego County Department of Information Technology is hereby created. The Department of Information Technology shall be responsible for the oversight and operation of the County of Oswego’s computer network, systems, hardware and software utilized by the county and its departments and other responsibilities as set forth herein. Upon passage of this enactment creating the Department of Technology, all functions, personnel, duties, agreements and assets of the Department of Central Services be, and are hereby, transferred to the Department of Technology to be supervised by the Director of Information Technology as provided for herein. The Department of Central Services is hereby abolished upon the creation of the Department of Information Technology. To the extent that state or federal regulations require oversight by the state or federal government, the Department of Information Technology shall assist county departments in the implementation and maintenance of those systems only where requested or required (e.g. DMV, NCIC, NYSPIN, e-Justice, CJIS and NYSBOE Cyber-Regulation).

### **SECTION 3. DIRECTOR OF THE DEPARTMENT OF INFORMATION TECHNOLOGY**

- A. The Department of Information Technology shall be under the supervision and direction of a Director of Information Technology who shall be appointed by the Oswego County Legislature for a fixed, two-year term to run with the term of the county legislature. The Director of Information Technology shall be responsible for the continuation and performance of all duties and functions heretofore assigned to, and performed by, the Director of Central Services in addition to those duties as enumerated in this Local Law. The Director shall report to the County Administrator as to the day-to-day operations of the department as provided for by Local Law number 6 of 1996, as amended.
- B. The salary of the Director of Information Technology shall be fixed by the Oswego County Legislature in accordance with the Management Compensation Plan. In addition, the Director of Information Technology shall be reimbursed actual and necessary expenses incurred in the performance of his or her official duties, upon the audit of same in the manner provided for by law and county policies.
- C. A vacancy in the position of Director of Information Technology shall be filled by the Oswego County Legislature for the unexpired term as prescribed by law. The position of Director of Information Technology shall be an unclassified position, as defined by the Civil Service Law of the State of New York with a term of office to run concurrently with that of the Oswego County Legislature. The Director of Information Technology shall holdover in office upon expiration of term with full authority to act until a successor is qualified and appointed.

### **SECTION 3 GENERAL POWERS AND DUTIES**

The Director of Information Technology shall supervise and assign professional, technical, and clerical personnel within the Department of Information Technology and shall be responsible for the day-to-day management and operation of the Department of Information Technology in accordance with sound management principles, the County Legislature's policies, and Civil Service law, and shall have the powers and duties necessary to carry out the functions of the office as set forth herein and such other responsibilities as may from time to time be imposed by resolution of the County Legislature. The Director of Information Technology's general powers and duties shall include, but not be limited to:

- A. Developing, managing, and submitting a departmental budget for approval by the County Administrator and County Legislature;
- B. Appointing, hiring, laying-off, suspending, disciplining and/or removing any person employed in the Department of Information Technology in accordance with Civil Service Law and/or collective bargaining unit agreements;
- C. Establishing and overseeing departmental policies and county computer use policies;
- D. Preparing statistical and other reports as required by the County Administrator or the County Legislature and any other appropriate entity;
- E. Assigning professional, technical and/or clerical personnel to assist in the department in its operations;



- F. Applying for, managing and administering state and federal grant funds pertaining to the Department of Information Technology;
- G. Reviewing and approving for purchase software and/or hardware solutions, including information technology consulting engagements, whether on premise or cloud-based, originating with and proposed by all other departments, supported by the Department of Information Technology and over which administrative authority of technology systems is established by this local law.
- H. With the consent of the County Legislature and Civil Service Officer, approving the establishment of positions with secondary technology support duties, in any other county department, and upon approval to have co-supervisory authority over such positions, including receiving periodic updates and final say on scope of duties, system access level and scope, and other technology-related duties, as determined by the Director of Information Technology.
- I. Preparing a proposed county-wide budget regarding all computer hardware costs, utility costs, maintenance and repair, network costs, software licenses and county telephones on an annual basis.
- J. Monitoring the need for improvement, maintenance, and repair of county technological assets and to report as needed to the appropriate committee of the County Legislature.
- K. Directing county computer equipment maintenance and repair programs for the county;
- L. Ensuring compliance with policies as established by the County Legislature, county administrative policies and New York State laws and regulations regarding county computer networks and other technology-related assets.
- M. Developing, delegating and/or approving the preparation of specifications of and the purchase of equipment, software, hardware, software licenses and materials consistent with county departmental needs, NYS General Municipal Law and the county's Procurement Policy.
- N. Assisting in the development and preparation of specifications for the solicitation of competitive bids or requests for proposals concerning the Department;
- O. To the extent allowed by law, preparing required reports and county departmental records and to maintain same in accordance with county policies;
- P. Planning and supervision, as necessary, of the county's computer network, software, telephone/VOIP, servers, and equipment whether by county employees or contractors and cooperate with consultants or state and federal support teams concerning same.
- Q. Planning and supervise the maintenance and repair of existing computer networks, phone systems and other technology-related assets on a day-to-day basis;
- R. Promulgating IT policies and procedures in accordance with best practices and consistent with county operations with the assistance of the County Administrator and/or County Attorney's Office as may be necessary in the following areas: breach notification procedures (NYS Technology Law); HIPAA, HIPAA HITECH protocols; overseeing and implementing data security, training and awareness for county officers and employees either independently and/or in conjunction with the Department of Human Resources or third parties; maintaining computer hardware, software and data inventories; reviewing and implementing contracts for IT services and service level agreements for county departments and offices; addressing and implementing malware protection; addressing and implementing patch management; implementing suitable access controls; overseeing online banking protocols in consultation with the County

- Treasurer to include credit card terminals; maintaining and designing the county's wireless network, firewalls and intrusion detection software; developing and reviewing internet, e-mail and computer use; password security; mobile devices and wireless security policies; implementing physical controls for the county's network; performing information technology contingency planning; performing an annual security self assessment of the county's networks; and recommending a baseline IT Security fundamentals and governance for county departments and employees;
- S. To appoint a Deputy Director to serve at the pleasure of the Director if and when said position is created by the County Legislature; and
- T. Such other and further powers and duties as required by law or as required by the County Legislature.

#### **SECTION 4 LIMITATION OF POWERS; TERM**

Nothing contained herein shall be construed to give the Department of Information Technology authority over the operation of any existing departments, officers, and functions of the County, other than those offices, officers and functions specifically enumerated herein. Nor shall the Department of Information Technology have any authority over programs maintained by public or private agencies not under the jurisdiction of the County of Oswego. The final determination as to the establishment or manner of operation of the Department of Information Technology operations, the funding thereof and the extent of county participation, if any, in each matter shall be made by the Oswego County Legislature with the advice of the County Administrator.

#### **SECTION 5. SEVERABILITY**

If any part of this Local Law or the application thereof to any person or circumstance should be adjudged to be invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the application, part or provision of this Local Law directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the rest and remainder of this Local Law or the application thereof to other persons or circumstances and the Oswego County Legislature hereby declares that it would have passed this Local Law or the remainder of it had such invalid application or provision been apparent.

#### **SECTION 7: SEQRA DETERMINATION**

The County Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this local law constitutes a Type II action pursuant to Section 617.5(c)(26) and/or (33) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of the New York State Environmental Conservation Law as constituting routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment and adoption of regulations, policies, procedures and local legislative decisions in connection with any action under 617.5. The Clerk of the Legislature is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance as, may be necessary, in accordance with this local law.

## **SECTION 8: EFFECTIVE DATE**

This Local Law shall take effect upon its adoption and being duly filed with the New York Secretary of State and Oswego County Clerk as provided by the Municipal Home Rule Law.

**RESOLUTION NO.**

March 14, 2024

**A RESOLUTION REQUESTING THE APPROVAL OF THE COMMISSIONER OF  
THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE  
REGARDING ADDITIONAL MORTGAGE TAX MONIES TO BE RETAINED BY  
THE COUNTY UNDER TAX LAW §262**

By Legislator David Holst:

WHEREAS, New York Tax Law §262 provides that the Oswego County Clerk shall be entitled to receive all of their necessary expenses for the purposes of Article 11 of the Tax Law relative to mortgage tax collection and administration expressly subject to the approval of the Commissioner of the New York State Department of Taxation and Finance; and

WHEREAS, the necessary expenses of the county have increased since they were last approved by the Commissioner of the New York State Department of Taxation and Finance; and

WHEREAS, it is both necessary and appropriate to forward a resolution to the Commissioner of the New York State Department of Taxation and Finance asking that the county's mortgage tax retention under Tax Law §262 be increased to offset the county's increased expenses in this regard; and

WHEREAS, if approved, the increased retention will result in approximately \$54,000 in additional revenues to the county to offset its actual and necessary expenses relative to mortgage tax collection and administration as are more particularly shown on the annexed schedule; and

NOW, THEREFORE, upon the recommendation of the Government, Courts and Consumer Affairs Committee of this body, it is hereby,

RESOLVED, that the County of Oswego hereby respectfully requests that the Honorable Amanda Hiller, Acting Commissioner of the New York State Department of Taxation and Finance approve the additional mortgage tax retention by the county as is shown on the annexed schedule; and it is further

RESOLVED, that the Clerk of the Legislature shall prepare a certified copy of this resolution to be forwarded with the annexed schedule to the Commissioner of the New York State Department of Taxation and Finance by the County Clerk.

**RESOLUTION PASSED/FAILED, WITH A VOICE/ROLL CALL VOTE**

**YES:**

**NO:**

**ABSENT:**

**ABSTAIN:**





**OSWEGO COUNTY CLERK'S OFFICE**  
46 EAST BRIDGE STREET, OSWEGO, NEW YORK 13126  
Phone 315-349-8621 315-349-8383 (Fax)

**MATHEW F BACON**  
DEPUTY CLERK

**TERRY M. WILBUR**  
OSWEGO COUNTY CLERK  
CLERK OF SUPREME  
AND COUNTY COURTS

**NANCY L. BELCHER**  
DEPUTY CLERK OF  
OPERATIONS

**DIANE PAROW**  
DEPUTY CLERK OF MOTOR  
VEHICLES  
DMV OFFICES  
OSWEGO/FULTON/PULASKI

**INFORMATIONAL MEMORANDUM**

February 21, 2024

**Subject:** Increase Mortgage Tax Allowance for necessary and reasonable expenses in County Clerk's Office

**Purpose:** To recommend that the Oswego County Legislature approve a Resolution to increase the County Clerk's monthly mortgage tax expense from \$18,000 to \$22,500.

**Summary:** Section 262 of the New York State Tax Law authorizes the County Clerk to be reimbursed for all necessary and reasonable expenses in administering and collecting Mortgage Tax pursuant to Article 11 of the Tax Law. Pursuant to Resolution No. 202 on November 13, 2014, the Oswego County Legislature authorized the Oswego County Clerk (with the approval of the Commissioner of Taxation and Finance) to retain \$18,000 per month effective April 1, 2024. A current analysis of all costs associated with Mortgage Tax collection and disbursement has been computed. The cost for these services has increased since the last approval and the retention cost has increased to \$22,500. This amount is deducted from mortgage tax collected each month and does not increase fees in any way. We haven't requested an increase in 10 years.

**Recommended**

**Action:** The Government, Courts and Consumer Affairs Committee with the approval of the Finance and Personnel Committee approve a Resolution to increase the County Clerk's monthly mortgage tax expense to \$22,500 and that the Commissioner of Taxation and Finance of New York State be petitioned to approve this reasonable and necessary increase.



**MORTGAGE TAX RETENTION JUSTIFICATION - 2024**
**NEEDS RESOLUTION AND APPROVAL FROM NYS COMM. OF TAX & FINANCE**
**1 FRONT COUNTER: verify & collect mortgage tax; verify affidavits**

2024	100% Salary	100% Fringe	Percentage	Total Salary	Total Fringe	TOTAL
Index Clerk	\$34,021	\$22,127	15%	\$5,103.15	\$3,319.09	
Index Clerk	\$35,030	\$22,784	40%	\$14,012.00	\$9,113.40	
Sr. Index Clerk	\$35,690	\$23,213	35%	\$12,491.50	\$8,124.47	
Deputy Clerk	\$57,689	\$37,521	30%	\$17,306.70	\$11,256.28	
Deputy Clerk	\$69,397	\$45,136	15%	\$10,409.55	\$6,770.37	
<b>Subtotals</b>				<b>\$59,322.90</b>	<b>\$38,583.61</b>	<b>\$97,906.51</b>

**2 LARGE RECORD ROOM: Data on computer; proofing of information; daily report w/Deputy or Sr. Acc't Clk. Oversight**

2024	100% Salary	100% Fringe	Percentage	Total Salary	Total Fringe	TOTAL
Index Clerk	\$35,030	\$22,784	20%	\$7,006	\$4,556.70	
Index Clerk	\$35,690	\$23,213	20%	\$7,138	\$4,642.56	
Index Clerk	\$33,627	\$21,871	20%	\$6,725	\$4,374.20	
Deputy Clerk	\$57,689	\$37,521	15%	\$8,653	\$5,628.14	
Sr. Acc't Clerk	\$35,571	\$23,135	10%	\$3,557	\$2,313.54	
<b>Subtotals</b>				<b>\$33,080</b>	<b>\$21,515.13</b>	<b>\$54,595</b>

**3 AUDIT: Prepare depositis; monthly reports; statement of facts; apportionments; case numbers; semi-annual report; prepare vouchers**

	100% Salary	100% Fringe	Percentage	Total Salary	Total Fringe	TOTAL
Deputy Clerk	\$69,397	\$45,136	20%	\$13,879.40	\$9,027.16	
Deputy Clerk	\$57,689	\$37,521	20%	\$11,538	\$7,504	
Sr. Acc't Clerk	\$35,571	\$23,135	35%	\$7,114	\$4,627	
<b>Subtotals</b>				<b>\$32,531</b>	<b>\$21,158</b>	<b>\$53,690</b>

**4 COUNTY CLERK: approve vouchers**

	100% Salary	100% Fringe	Percentage	Total Salary	Total Fringe	TOTAL
County Clerk	\$97,399	\$63,348	10%	\$9,740	\$6,335	<b>\$16,075</b>

**5 TREASURER'S OFFICE: Prepare figures for semi-annual report**

	100% Salary	100% Fringe	Percentage	Total Salary	Total Fringe	TOTAL
Deputy Treasurer	\$67,956	\$44,199	15%	\$10,193	\$6,630	<b>\$16,823</b>

**6 COMPUTER COSTS**

2792 Instruments @ 6.78 =	\$18,929					<b>\$18,929</b>
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**7 Overhead Cost (floor space, lights, heat, air conditioning)**

<b>TOTAL</b>	<b>\$8,000</b>
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**8 Other misc. items: phones; office supplies; toners; copy paper; maintenance**

<b>TOTAL</b>	<b>\$4,381</b>
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**TOTAL YEARLY EXPENSES.....** **\$270,399.24**

MONTHLY EXPENSE REQUESTED = **\$22,500**

CURRENT MONTHLY EXPENSES = **\$18,000**

INCREASE **\$4,500**

MONTHLY INCREASE = **\$4,500**

YEARLY INCREASE = **\$54,000**

(Figures based on 2013 mortgages) (Increase would begin at start of State Fiscal year April 1, 2015)

**RESOLUTION NO.**

March 14, 2024

**RESOLUTION APPOINTING ACTING ASSIGNED COUNSEL PLAN  
ADMINISTRATOR FOR THE COUNTY OF OSWEGO**

By Legislator Holst:

WHEREAS, the County of Oswego has had a Bar Association plan for assigned counsel since the 1960s operating under section 722, Article 18-B, of the County Law; and

WHEREAS, since its formation, the Assigned Counsel Plan has been administered by an attorney-at-law as plan administrator to comply with state law; and

WHEREAS, the Assigned Counsel Plan Administrator is a department head responsible for administering the plan, applying for and administering grant funds, filing reports with the Unified Court System and the New York State Office of Indigent Legal Services, overseeing the annual budget for the Assigned Counsel Program, supervising all appellate court proceedings for indigent cases, supervising the review of claims and approves payment of vouchers submitted by attorneys, assigns and supervises the professional, technical, and clerical personnel in the investigation, preparation, and appeal of any court proceedings involving indigent defendants, and other duties as required by law; and

WHEREAS, the Assigned Counsel Plan Administrator position is currently vacant, and the department's Supporting Attorney, Rachael Ann Dator, Esq., is experienced in all aspects of the position; and

NOW, THEREFORE, upon recommendation of the County Administrator and the Government, Courts & Consumer Affairs Committee of this body, it is hereby,

RESOLVED, that Rachael Ann Dator, Esq. of the City of Oswego be and is hereby appointed as Acting Assigned Counsel Plan Administrator for the Oswego County Assigned Counsel Plan and shall be compensation for these additional duties according to the management compensation plan at Salary Grade 80, Step 21, \$126,358, until a successor is appointed.

**RESOLUTION PASSED/FAILED, WITH A VOICE/ROLL CALL VOTE**

**YES:**

**NO:**

**ABSENT:**

**ABSTAIN:**



**OSWEGO COUNTY CLERK**  
**2023 ANNUAL REPORT**



**TERRY M. WILBUR**  
**COUNTY CLERK**

**MATTHEW BACON**  
**DEPUTY COUNTY CLERK**

**NANCY L BELCHER**  
**DEPUTY CLERK OF OPERATIONS**

**DIANE PAROW**  
**DEPUTY OF MOTOR VEHICLE**

**2023 GOVERNMENT, COURTS AND CONSUMER AFFAIRS**  
**COMMITTEE**

**HON. DAVID M. HOLST – CHAIRMAN**

**Hon. EDWARD GILSON – Vice Chair**

**Hon. Noelle Beckwith Salmonsens**

**Hon. James Scanlon**

**Hon. Michael Soloway**

**Hon. Robert Wilmott**

**Hon. Michael Yeardon**

**2022 GOVERNMENT, COURTS AND CONSUMER AFFAIRS**  
**COMMITTEE**

**HON. DAVID M. HOLST – CHAIRMAN**

**Hon. EDWARD GILSON – Vice Chair**

**Hon. Michael Soloway**

**Hon. Noelle Beckwith Salmonsens**

**Hon. James Scanlon**

**Hon. Robert Wilmott**

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**OSWEGO COUNTY CLERK'S OFFICE**  
46 EAST BRIDGE STREET, OSWEGO, NEW YORK 13126  
Phone 315-349-8621 315-349-8383 (Fax)

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DMV OFFICES  
OSWEGO/FULTON/PULASKI

## **2023 IMPROVEMENTS**

In my second year as County Clerk, I have continued to improve and update the county Clerk's office, Department of Motor Vehicles, and the Records Center.

### **Oswego County Clerk:**

- 1) The clerk's office continues to modernize with the number of filings and recordings that are now done online. Approximately 70% of recordings are now done electronically.
- 2) We continue to diligently work through the increased number of new pistol permits issued (approximately double the number we did in 2018).
- 3) NYS began processing enhanced background checks for pistol purchases and our office worked with the County Court Judges to formulate and implement a system that allows the licensee to obtain their firearm while we process the necessary paperwork.

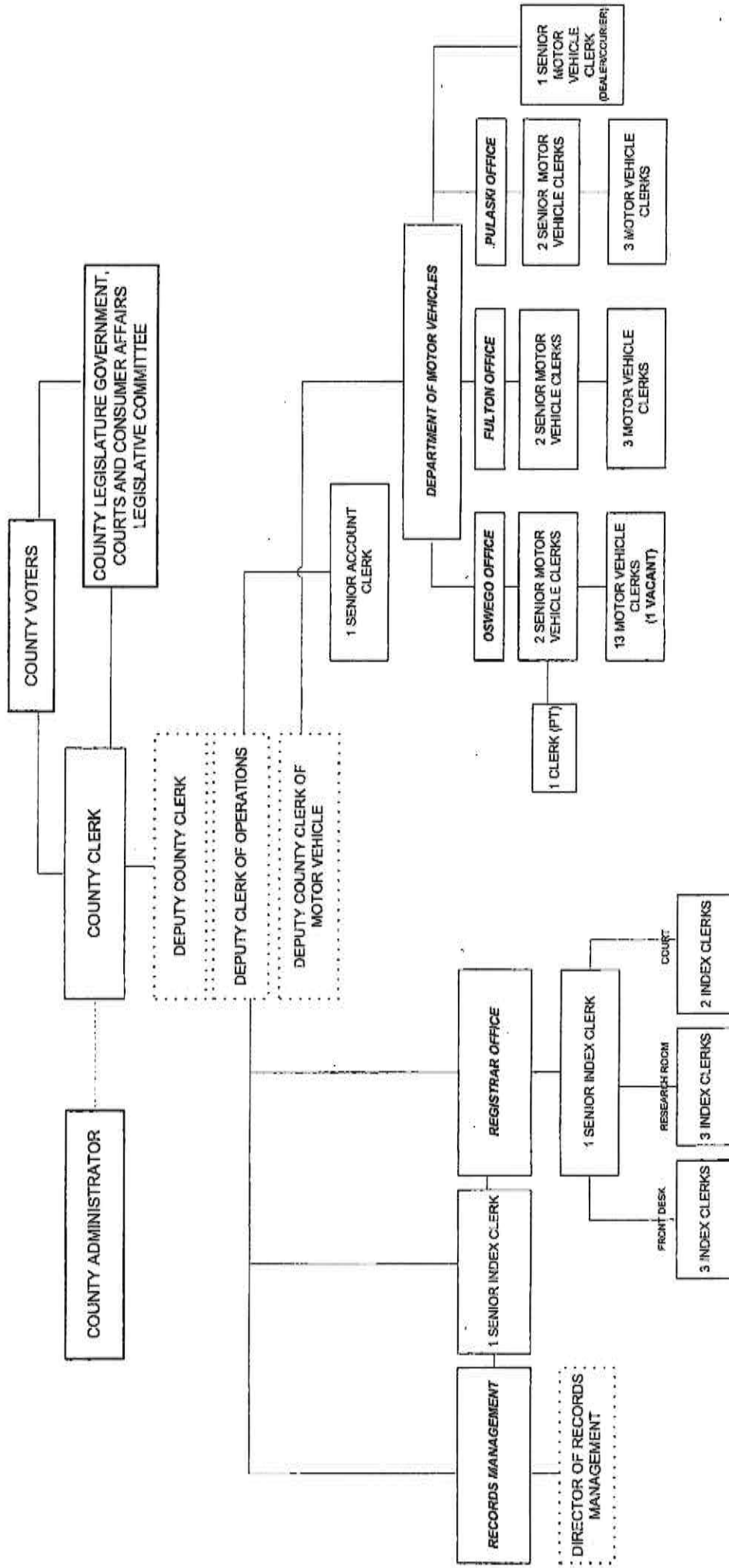


**Department of Motor Vehicles:**

- 1) We upgraded our DMV Courier to a Senior Motor Vehicle clerk to enhance our customer service to the local dealers that use our courier service. The dealers now have a knowledgeable clerk to answer any questions they have at the time their paperwork is picked up.
- 2) With the increase in pay, I advocated for, we have seen a dramatic increase in staff retention. Maintaining our employees has resulted in knowledgeable staff and enhanced our customer service.

**Records Center:**

We hired a Director of Records Management to oversee the new records management system we are implementing. to enhance the county's records management.



01/2024

SMALL DOTTED LINE INDICATES WORKING RELATIONSHIP

**COUNTY CLERK DEPARTMENT STAFF**

**2013 VS 2023**

2013 FULL TIME	12	2013 PART TIME	3
2023 FULL TIME	13	2023 PART TIME	0

(Full time staff includes County Clerk)  
(Deputy County Clerk / Deputy Clerk of Operations)

**MOTOR VEHICLE DEPARTMENT STAFF**

2013 FULL TIME	21	2013 PART TIME	3
2023 FULL TIME	29	2023 PART TIME	1

(Full time staff includes Deputy Clerk of Motor Vehicles)  
(3 positions are vacant 2 positions to be eliminated in 2024 budget)

**RECORDS CENTER**

2013 FULL TIME	2	2013 PART TIME	0
2023 FULL TIME	2	2023 PART TIME	0



## OSWEGO COUNTY CLERK'S OFFICE

(315) 349-8612

46 E. BRIDGE ST. ■ COUNTY OFFICE BUILDING ■ OSWEGO, NEW YORK 13126

**MATTHEW BACON**  
DEPUTY CLERK

**TERRY M WILBUR**  
COUNTY CLERK  
CLERK OF SUPREME AND COUNTY COURTS

**NANCY L BELCHER**  
DEPUTY CLERK OF OPERATIONS

**DIANE PAROW**  
DEPUTY CLERK OF MOTOR VEHICLES

### COUNTY CLERK EXPENDITURES VS REVENUE

JAN. 1 – DEC. 31, 2023

DEPARTMENT	EXPENDITURES*	REVENUE	COST TO COUNTY
COUNTY CLERK	208,739.06	1,506,205.24	+1,297,466.18
MOTOR VEHICLE	33,549.79	2,024,428.07	+1,990,878.28
REC. MANAGEMENT	662.00	0	-662.00
<b>2023 TOTALS</b>	<b>242,950.85</b>	<b>3,530,633.31</b>	<b>+3,287,682.46</b>

### COUNTY CLERK EMPLOYEE COST WITH BENEFITS VS REVENUE

JAN. 1 – DEC. 31, 2023

DEPARTMENT	SALARIES & WAGES	FRINGE/ SOCIAL-SEC	TOTAL
COUNTY CLERK	538,187.46	105,169.63	643,357.09
MOTOR VEHICLE	818,317.86	148,143.38	966,461.24
REC. MANAGEMENT	65,149.66	12,440.25	77,589.91
<b>2023 TOTALS</b>	<b>1,421,654.98</b>	<b>265,753.26</b>	<b>1,687,408.24</b>

DEPARTMENT	EXPENDITURES W/ SALARIES/FRINGE/SS	REVENUE	COST TO COUNTY
COUNTY CLERK	852,096.15	1,506,205.24	+654,109.09
MOTOR VEHICLE	1,000,011.03	2,024,428.07	+1,024,417.04
REC. MANAGEMENT	78,251.91	0	-78,251.91
<b>2023 TOTALS</b>	<b>1,930,359.09</b>	<b>3,530,633.31</b>	<b>+1,600,274.22</b>

#### NOTES: (Figures from Munis)

\*EXPENDITURES INCLUDE PERSONAL SERVICES, EQUIP. AND CONTRACTUAL EXP.

\*\*MV REVENUE INCLUDES MV FEES, PLATE SURRENDERS, MV SALES TAX, MV USE TAX, MV ONLINE REV SHARING

\*\*CC REVENUE INCLUDES CLERK FEES, PASSPORTS, PISTOL PERMITS, & TAX REDEMPTION FILING FEES.

# FINANCIAL SUMMARY 2023

(DISTRIBUTION)

## OSWEGO COUNTY CLERK'S OFFICE

### PAID TO COUNTY TREASURER:

#### GENERAL FEES

CLERK FEES	\$1,422,649.02
PISTOL PERMITS	66,475.00
PASSPORTS	6,230.00
MOTOR VEHICLE FEES	1,151,944.19
EZ-PASS	4,200.00
<b><u>SUB-TOTAL GENERAL FEES</u></b>	<b><u>\$2,651,498.21</u></b>

TAX REDEMPTION FILING FEES	10,851.22
MORTGAGE TAX (BASE-RETURNED TO CITIES, TOWNS & VILLAGES)	1,507,878.03
MOTOR VEHICLE USE TAX	796,363.42
MOTOR VEHICLE ONLINE REV SHARING	71,920.46
<b><u>SUB-TOTAL</u></b>	<b><u>2,387,013.13</u></b>

### TOTAL PAID TO COUNTY TREASURER

**\$5,038,511.34**

**\$ 5,038,511.34**

### PAID TO THE STATE OF NEW YORK:

MORTGAGE TAX - CNY REG TRANS AUTH	704,321.81
MORTGAGE TAX NYS MTGE AGENCY	546,746.05
NYS TAX & FIN - TRANSFER TAX	1,201,213.00
NYS TAX & FIN - INDEX NUMBERS	459,130.37
NYS ED DEPT - LOC GOVT FUND	255,911.00
NYS DIV OF EQUAL & ASSESS	541,438.00
NYS DIV. OF LIC SERV - NOTARY RENEWALS	7,760.00
COMM OF MV - MOTOR VEHICLE FEES	8,216,459.14
NYS SALES TAX - MV, BOATS, SNBLS	4,015,089.04
<b><u>TOTAL PAID TO THE STATE OF NEW YORK</u></b>	<b><u>15,948,068.41</u></b>

**\$ 15,948,068.41**

### PAID TO FEDERAL GOVERNMENT:

PASSPORT AGENCY	21,965.00
<b><u>TOTAL PAID TO FEDERAL GOVERNMENT</u></b>	<b><u>\$ 21,965.00</u></b>

**\$21,965.00**

### TOTAL RECEIPTS

**\$ 21,008,544.75**



**OSWEGO COUNTY CLERK'S OFFICE**

**COMPARISON**

**2022 VS 2023**

**GROSS RECEIPTS**

**2022**  
**\$22,685,076.94**

**2023**  
**21,008,544.75**

**EXPENDITURES**

**2022**  
**\$1,901,084.71**

**2023**  
**1,930,359.09**

**FEES PAID TO COUNTY TREASURER**

**2022**  
**\$2,769,446.22**

**2023**  
**2,663,138.21**

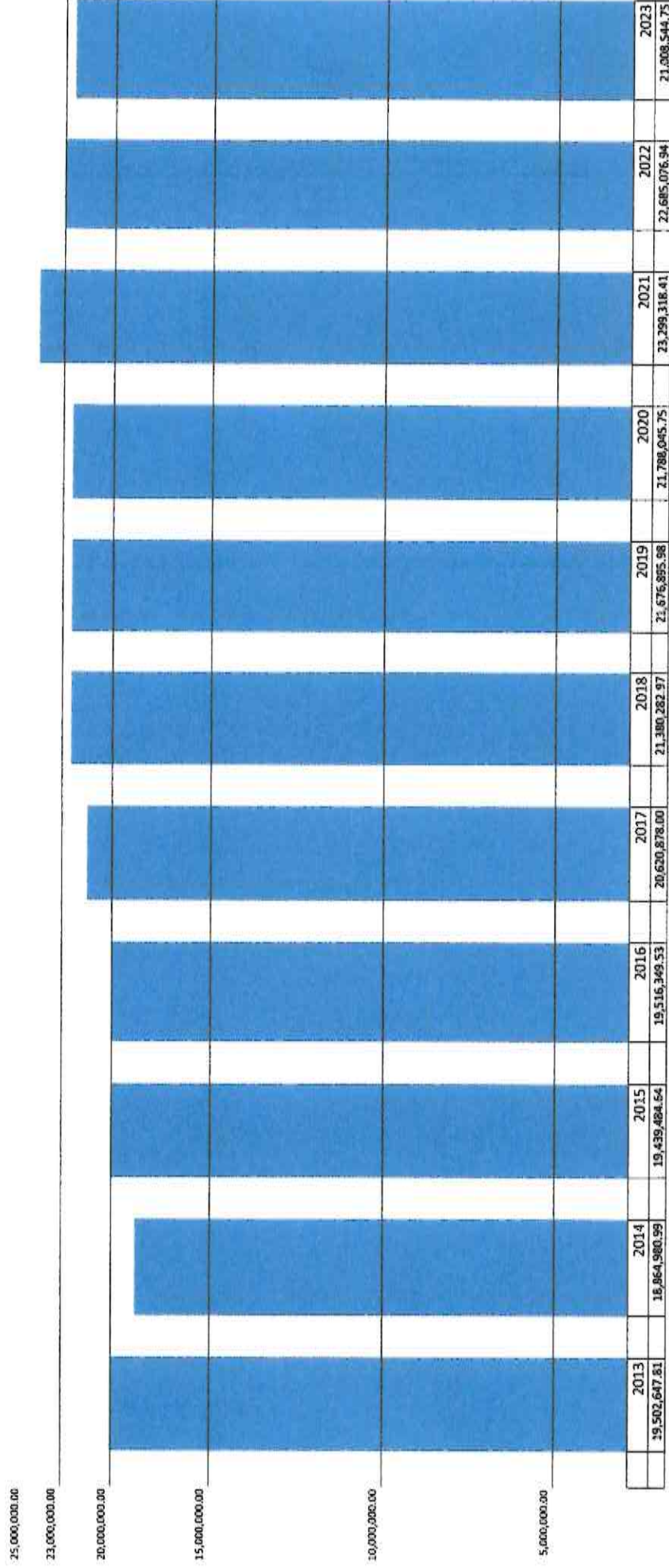
**COUNTY CLERK'S DEPARTMENT COST TO COUNTY**

**+** **2022**  
**\$1,711,459.66**

**+** **2023**  
**1,600,274.22**

# COUNTY CLERK'S 2023 ANNUAL REPORT

## GROSS FEES 2013-2023





## OSWEGO COUNTY CLERK'S OFFICE

(315) 349-8612

46 E. BRIDGE ST. ■ COUNTY OFFICE BUILDING ■ OSWEGO, NEW YORK 13126

**MATTHEW BACON**  
DEPUTY CLERK

**TERRY M WILBUR**  
COUNTY CLERK  
CLERK OF SUPREME AND COUNTY  
COURTS

**NANCY L BELCHER**  
DEPUTY COUNTY CLERK OF  
OPERATIONS

**CATHY SHARKEY**  
SUPERVISOR-DMV OFFICES  
OSWEGO/FULTON/PULASKI

## MOTOR VEHICLE FEES

(FIGURES DO NOT INCLUDE MV USE TAX  
OR ON-LINE REVENUE SHARE-DMV)

2019-2022

MONTH	2023	2022	2021	2020
JANUARY	88,969.78	91,510.29	88,209.37	100,606.47
FEBRUARY	76,776.97	74,020.86	83,155.22	94,505.87
MARCH	92,978.35	95,896.60	123,080.43	117,201.73
APRIL	105,358.83	105,748.33	104,274.06	49,482.61
MAY	138,170.25	106,951.01	103,948.09	72,096.15
JUNE	68,858.67	118,697.45	127,664.68	123,716.95
JULY	118,218.11	86,508.22	93,903.31	111,773.68
AUGUST	112,864.95	112,908.69	103,459.81	138,442.50
SEPTEMBER	83,006.15	84,413.65	78,110.92	114,921.14
OCTOBER	105,481.53	100,501.93	76,398.09	114,528.89
NOVEMBER	80,019.39	73,934.49	93,393.35	119,071.67
DECEMBER	81,241.21	86,023.84	76,039.65	107,821.05
TOTALS	1,151,944.19	1,137,115.36	1,151,636.98	1,264,168.71

# DEALER AND CORPORATE ACCOUNT TRANSACTIONS

DEALER TOTALS - 2023														
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	
OSWEGO		296	282	394	247	365	345	315	441	318	349	305	258	3915
FULTON		187	188	259	259	318	160	194	236	252	282	221	125	2881
PULASKI		249	154	254	206	222	212	189	300	200	219	279	155	2639
MESSENGER		1927	1922	2432	2520	2767	2935	2220	2405	2131	2196	2010	1873	27338
TOTALS		2656	2546	3225	3232	3672	3652	2918	3382	2901	3046	2815	2411	36573

DEALER TOTALS - 2022														
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	
OSWEGO		286	283	394	302	274	347	258	299	299	250	254	335	3581
FULTON		204	175	309	245	348	277	232	225	167	245	200	147	2774
PULASKI		183	235	211	245	273	272	266	273	258	220	222	139	2797
MESSENGER		2207	1965	2544	2529	2435	2648	2277	2412	2415	2082	1977	2008	27499
TOTALS		2880	2880	3458	3321	3330	3544	3033	3209	3139	2797	2653	2629	36651

\*PLEASE NOTE: OFFICE TOTALS ARE TRANSACTIONS DROPPED OFF BY DEALERS IN AREA\*  
 \*MESSENGER TOTALS ARE TRANSACTIONS PICKED UP IN SURROUNDING AREAS AND DELIVERED TO MV OFFICES\*

CORPORATE ACCOUNTS- 2023													
UPSTATE NIAGARA MOHAWK	16	11	13	55	19	16	56	82	19	125	7	61	485
DOWNSTATE NATIONAL GRID	23	30	96	7	18	43	26	24	12	30	15	42	366
TOTALS	39	41	109	62	37	59	82	106	31	155	22	103	851

CORPORATE ACCOUNTS- 2022													
UPSTATE NIAGARA MOHAWK	49	9	51	95	86	23	36	80	15	12	75	1	532
DOWNSTATE NATIONAL GRID		31	34	89	45	43	13	10	5	34	14	3	321
TOTALS	49	40	34	184	45	66	49	90	20	46	89	4	853

## 2024 DMV TOTAL TRANSACTION'S PER OFFICE

OSWEGO	61,244
FULTON	31,158
PULASKI	38,684
TOTAL	131,086

STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
BUREAU OF WEIGHTS AND MEASURES  
10B AIRLINE DRIVE  
ALBANY, NEW YORK 12235

# 2023

ANNUAL REPORT OF DIRECTOR OF WEIGHTS AND MEASURES  
(In compliance with Section 181.3 of the Agriculture and Markets Law)

County/City  Date

I,   
Director of Weights and Measures for the County/City of   
do hereby respectfully submit the following report as required by Section 181.3 of the Agriculture and Markets Law for the Calendar year 2023.

Program Name	Department of Weights & Measures	Telephone	315-349-8247
Street Address	46 East Bridge Street	Fax	315-349-8237
City, State Zip	Oswego NY 13126	Cell	315-529-0433
Email Address	jamie.comstock@oswegocounty.com		
Web Address			

Director's Original Date of Appointment  Salary per year

Appointment Status:  Director Fraction FTE in W&M   
(Non-Competitive, Permanent Competitive, or Provisional Competitive)

Total W&M Program Budget  Total Budget

No. of W&M Inspection Staff  No. of W&M Clerical Staff   
(Do not include Director)

No. of Other Staff (Consumer Affairs, etc)  Classification Devices   
Civil Service Class   
"A" or "B"

Program responsibilities under Local Law (other than W&M Article 16):

Mark with "X" in box where appropriate

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | A. General Consumer Affairs            |
| <input type="checkbox"/> | B. Item Pricing                        |
| <input type="checkbox"/> | C. Pricing Accuracy (Scanner Accuracy) |
| <input type="checkbox"/> | D. Device Repairman Registration       |
| <input type="checkbox"/> | E. Home Repairman Licensing            |

Other (list)

F.




[illegible][illegible][illegible]

Oswego

Jurisdiction# 35

**Section 1. Workload (estimated)**

Work Category	Hours Worked	Percentage of Total
Weighing Devices Inspected and Tested	535.3	30.9
Gasoline Pumps Inspected and Tested	339.7	19.6
All Other Commercial Device Inspections	81.8	4.7
Non-Mandated Tests and Requests	5.3	0.3
Petroleum Quality Program	165.2	9.5
Package Control	11.7	0.7
Complaints	21.5	1.2
Civil Penalty and Court Hearings	2.4	0.1
Administration (records, reports, scheduling)	291.5	16.8
Public Relations	7	0.4
Other	260.6	15.1
Pricing Accuracy	8	0.5
Totals	1730	100%

**Section 2. Establishments**

Establishment Type	Number in Jurisdiction	Number of Inspections	w/Diesel In Juris.
Supermarket	18	42	
Food Store/Deli	11	10	
Farm/Produce	21	19	
Fish/Butcher	6	4	
Candy/Nut	3	3	
Bakery	0	0	
Drug	18	18	
Hardware	15	16	
Gas Station	4	4	1
Gas Station Store	59	113	50
Marina	10	10	
Airport	1	1	
Variety/Multiple	0	0	
Fuel Oil Dealer	5	12	
LPG Dealer	3	3	
Proc/Ware/Manuf	19	25	
Asphalt/Salvage	9	8	
Fabric/Sewing	0	0	
Feed & Fertilizer	4	4	
Other	28	28	
Non-Commercial Estab.	0	2	
Total	234	322	

**Section 3. Farm Milk Tanks**

Category	#
Total in Jurisdiction	36
New Calibrations	0
Recalibrations	0
Rechecks	0
No. Against Producer	0
No. Against Receiver	0

**Section 4. Petroleum Quality**

Product		
Gasoline - Laboratory	117	Samples
Gasoline - Screened	9	Samples
Diesel Fuel	14	Samples
Investigations	2	Cases

**Section 5. Complaints**

Type	# Received	# Resolved or Referred
Devices	0	0
Shortweight	0	0
Gasoline	1	1
LPG	0	0
Fuel Oil	0	0
Firewood	0	0
Other	0	0
Pricing Accuracy	2	2
Total	3	3

**Section 6. Devices**

Device Type	Total # in Juris	Results of Prescribed Tests						Prescribed Devices not Tested	Other Tests Rechecks Complaints
		Test Correct		Test Incorrect			Incorrect Visual		
		#	%	(+)	(-)	Other			
Computing Scale	320	303	96.2	3	7	2	2	5	11
Pre-Pack Scale	43	39	92.9	0	2	1	2	1	3
Customer Scale	13	13	100.0	0	0	0	1	0	1
Vehicle Scale	35	25	73.5	0	0	9	0	1	10
Monorail Scale	0	0	0.0	0	0	0	0	0	0
Prescription Scale	19	18	94.7	0	0	1	1	0	1
Hopper/Batch/Tank Scale	5	5	100.0	0	0	0	0	0	0
Platform Scale	56	50	92.6	3	0	1	2	2	4
Livestock Scale	0		0.0	0	0	0	0	0	0
Miscellaneous Scale	53	50	98.0	0	0	1	0	2	1
Petroleum Pump	976	937	97.6	19	4	0	48	16	88
Petroleum Meter VTM	22	15	68.2	4	1	2	0	0	6
Other Meter	1	1	100.0	0	0	0	0	0	0
Rack Meter	0	0	0.0	0	0	0	0	0	0
Liquid Measure	0	0	0.0	0	0	0	0	0	0
Volumetric Measure	0	0	0.0	0	0	0	0	0	0
Weights Pharmacy	180	180	100.0	0	0	0	0	0	0
Weights Other	0	0	0.0	0	0	0	0	0	0
Linear Measure	12	11	91.7	1	0	0	0	0	0
Linear Measuring Device	0	0	0.0	0	0	0	0	0	0
Timing Device	47	44	95.7	0	0	2	0	1	0
Taximeter	0	0	0.0	0	0	0	0	0	0
Miscellaneous Device	54	54	100.0	0	0	0	0	0	0
LPG Meters	0	0	0.0	0	0	0	0	0	0
Non-Commercial Devices									0
Milk Tanks 20% (from Sect 3)	7	0	0.0	0	0	0	0	0	0

**Section 7. Device Test Summary**

Automatically summed from data above

Total Scales	544	503	94.4	6	9	15	8	11	31
Total Liquid Meas. Devices	1006	953	96.9	23	5	2	48	16	94
Total Weights	180	180	100.0	0	0	0	0	0	0
Total Linear Measures	12	11	91.7	1	0	0	0	0	0
Total Miscellaneous Devices	101	98	98.0	0	0	2	0	1	0
Total All Devices	1843	1745	96.5	30	14	19	56	28	125

Classification Devices	1616
Civil Service Class	A

\* Rows 24, 25, 28, 31 and 32 are not counted in Civil Service classification

**Section 8. Commodities (Net Weight Compliance)**

Type of Package	# Pkgs in Lots	# Pkgs Measured	# Lots	# of Lots Failed
Packed In-Store	425	120	5	0
Packed Out-of-Store	0	0	0	0
Test Purchases		0		0
# test purchases made ^			# violations ^	

**Section 9. Collection of Device Inspection Fees**

Does your jurisdiction collect device inspection fees (Y/N)?

If yes:

How much did you issue in fees?

Do you collect for all device types (Yes/No)?

If no, please attach a copy of your fee schedule to this report.

**Section 9.a. Pricing Accuracy**

Type of Inspection	# Inspections	# Items Checked	# Ocharges	# Ucharges	# Insp Fail	% Fail
Complaint - Individual Items	0	0	0	0	0	#DIV/0!
Audit Inspections	2	200	3	1	0	0
Full Inspections	0	0	0	0	0	#DIV/0!
Reinspections - Audit or Full	0	0	0	0	0	#DIV/0!

Ocharges = Overcharges

Ucharges = Undercharges

[illegible]