

2016 Annual Report

WESTCHESTER COUNTY CLERK



Timothy C. Idoni
Westchester County Clerk



Timothy C. Idoni
Westchester County Clerk

February, 2017

Honorable Robert Astorino
County Executive

Honorable Members of the
Westchester County Legislature

Honorable Colleagues:

I hereby submit the Annual Report of the Westchester County Clerk for the fiscal year 2016. The duties of the County Clerk are mandated by the New York State Constitution and by federal, state and local law. These duties are carried out by a dedicated staff that works diligently to serve the public.

Each service provided by the County Clerk's office impacts the lives of residents and businesses throughout the county and the nation. Each deed, mortgage, court record, judgment, business certification or incorporation and pistol license is filed and recorded in the Office of the Westchester County Clerk.

The Office of the Westchester County Clerk collected \$204,444,018.00 in revenue in 2016, of which \$28,159,361.98 was turned over to the county. The expenditures for the County Clerk's office in 2016, totaling \$6,376,218, are more than offset by the \$9,303,259 in departmental fees collected.

Our office collects fees on behalf of numerous federal and state agencies, and paid out the following 2016 revenue:

- \$63,049,002.66 to the New York State Department of Taxation and Finance for transfer tax
- \$37,859,870.38 to the Metropolitan Transit Authority for mortgage tax
- \$6,068,661.69 to the Unified Court System for court filing fees
- \$4,290,703.41 to the State of New York Mortgage Agency for mortgage tax
- \$1,933,710.75 to the New York State Office of Real Property Tax Services
- \$1,450,122.50 to the New York State Cultural Education Fund
- \$483,488.25 to the New York State Records Management Improvement Fund
- \$63,720.00 to the New York Department of State for Notary Public renewals

In 2016, the Office of the Westchester County Clerk saw continuing growth in the electronic submission of records throughout the office. By the end of the year, over seventy percent of land records such as deeds and mortgages were being submitted to the office electronically as part of a voluntary e-Recording initiative. In addition, over eighty-five percent of civil cases were commenced electronically; whether pursuant to state mandate or voluntarily in the case of matrimonial cases.

As part of an operational restructuring within our office in 2015 a unit created and completely dedicated to transitioning from reliance of paper documents to images of court records processed relieved us of the need to store over a thousand cubic feet of records, with plans to eliminate three years of storage in the next ten months.

As we enter the New Year, my goals for the Office of the Westchester County Clerk continue to include service through technology, increasing productivity through professional management, and a customer friendly environment for those who need to visit our office, and facilitating commerce throughout the county through cooperation and effectiveness.

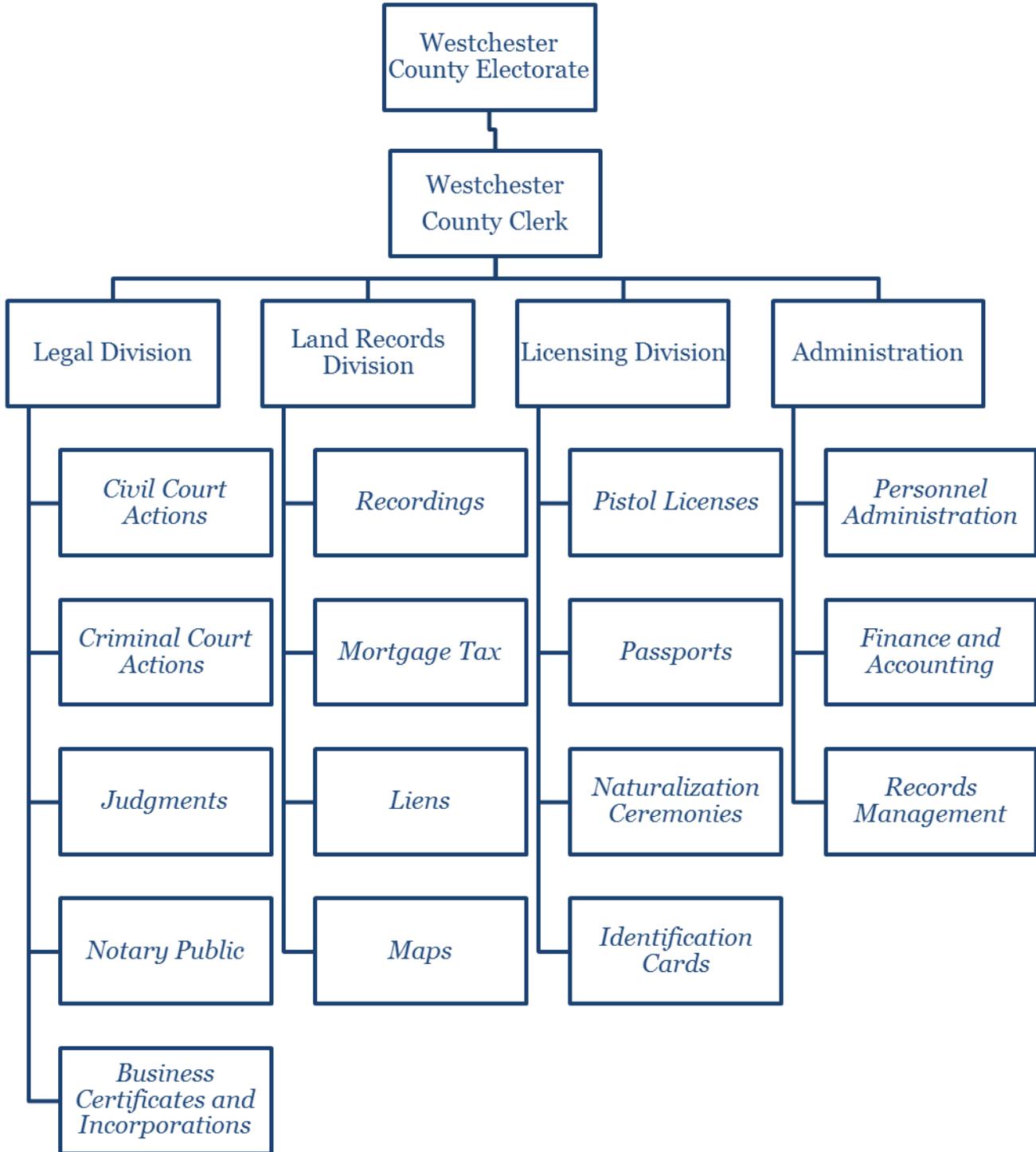
I want to thank the County Executive and the County Legislature for continuing to provide the resources to allow the Office of the County Clerk to meet its mandates and fulfill its fiduciary responsibilities on behalf of the residents of Westchester County and beyond.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Timothy C. Idoni". The signature is written in a cursive, flowing style.

Timothy C. Idoni
Westchester County Clerk

Office of the Westchester County Clerk Organizational Chart



Services Provided By the Office of the Westchester County Clerk

Land Records Division

- Recording land records including deeds, mortgages, assignments, and satisfactions
- Filing of subdivision maps
- Collection and processing of New York State Mortgage Tax
- Filing of Uniform Commercial Code Statements, Federal Tax Liens, Notices of Common Charges and other federal liens
- Provision of certified copies of all recordings and filings

Legal Division

- Fee collection and filing of court records for Supreme Court and Westchester County Court
- Administration of Notary Public and Commissioner of Deeds licenses
- Administration of the Domestic Partnership Registry
- Filing of Business Certificates and Incorporation records from New York State
- Filing of Small Claims Assessment Review Petitions
- Filing of Veterans Military Discharge Papers
- Provision of certified copies of all filings

Licensing Division

- Processing of United States Passport Applications
- Administration of Pistol Licenses
- Issuance of Westchester County Identification Cards
- Administration of Oath of Allegiance to newly naturalized United States citizens

Administration

- Subscription Service Online Access to land records, legal records, foreclosure lists, judgments, liens, and other business records
- Financial Reporting to partners in federal, state and county government
- Administering and Filing of Oaths of Office

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Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2016

County Clerk Fees Collected:			
Land Records Division			
Recording Fees	\$6,385,728.30		
Real Property Transfer Report Fee	\$146,412.00		
Legal Division			
Filing Fees	\$771,824.40		
DWI Surcharges	\$290,410.55		
Criminal Fines	\$40,745.00		
Licensing Division			
Filing Fees	\$290,297.52		
Interest	\$730.99		
Other (Online Access, Copiers)	\$498,551.96		\$8,424,700.72
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Mortgage Tax Collected:			
Paid to Westchester County			
Westchester County Mortgage Tax	\$19,718,699.79		
Local Mortgage Tax	\$56,455,495.62		
Yonkers Mortgage Tax	\$3,505,151.56		
Reimbursement for Processing Costs	\$991,466.00		
Interest, County Portion	\$2,426.42		
Paid to Metropolitan Transit Authority	\$37,859,870.38		
Paid to State of New York Mortgage Agency	\$4,290,703.41		\$122,823,813.18
<hr/>			
New York State Real Estate Transfer Tax Collected:			
Paid to Westchester County			
Recording Officer's Fee	\$13,905.50		
Interest, County Portion	\$2,055.97		
Paid to the Department of Taxation and Finance	\$63,033,041.19		\$63,049,002.66
<hr/>			
New York State Court Revenue Collected:			
Paid to the Unified Court System			\$6,068,661.69
Notary Public Revenue, New York State Portion Collected:			
Paid to the New York State Department of State			\$63,720.00
Records Management Improvement Fund Collections:			
Collected from Court Filings	\$104,780.25		
Collected from Land Records Filings	\$378,708.00		
Cultural Education Fund Collections:			
Collected from Court Filings	\$314,098.50		
Collected from Land Recordings	\$1,136,124.00		\$1,933,710.75
<hr/>			
Equalization and Assesment Fees Collected:			
Paid to the New York State Office of Real Property Tax Services			\$2,080,409.00
<hr/>			
2016 Total Collected and Disbursed:			\$204,444,018.00
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Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2016

	<u>Fee</u>	<u>No Fee</u>	<u>Rec. Mgmt</u>	<u>County Share</u>
Conveyances:				
Assignment of Lease and Rents	828	0	\$15,732.00	\$65,958.00
Contract	19	0	\$361.00	\$1,474.00
Declaration	403	0	\$7,695.00	\$27,450.50
Dedication	6	0	\$114.00	\$341.00
Deed	16,089	62	\$305,691.00	\$680,902.50
Deed Agreement	116	2	\$2,204.00	\$9,897.00
Deed, Correction	173	0	\$3,287.00	\$7,578.00
Easement	258	11	\$4,940.00	\$19,582.00
Lease Agreement	1,059	3	\$20,121.00	\$47,711.00
Letters of Patent	0	0	\$0.00	\$0.00
Release of Lien of Estate Tax	61	0	\$1,159.00	\$1,926.00
Release of Mortgage	418	1	\$7,942.00	\$20,727.50
Mortgages:				
Assignment of Mortgage	8,174	40	\$155,306.00	\$310,436.00
Mortgage	20,525	43	\$389,975.00	\$2,231,410.00
Mortgage Agreement	934	6	\$17,746.00	\$54,225.50
Mortgage, Correction	122	0	\$2,318.00	\$13,914.00
Registered Agreement	6,284	2	\$119,396.00	\$1,067,167.00
Satisfactions of Mortgage:				
Satisfactions of Mortgage	19,128	23	\$363,432.00	\$914,088.00
Miscellaneous:				
Affidavit	4	5	\$76.00	\$199.00
Agreement	17	0	\$323.00	\$1,432.00
Certificate	3	0	\$57.00	\$238.00
Commitment	1	0	\$19.00	\$31.00
Judgment	8	0	\$152.00	\$763.00
Negative Pledge Agreement	0	0	\$0.00	\$0.00
Notice of Appropriation	0	14	\$0.00	\$0.00
Order	74	0	\$1,406.00	\$5,119.00
Power of Attorney	5,000	9	\$95,000.00	\$281,185.00
Power of Attorney, Revocation	8	0	\$152.00	\$273.00
Statement Identifying Property	12	0	\$228.00	\$462.50
Other:				
Cross-References Entered	82,961	0	\$0.00	\$41,480.50
Transfer Tax Return Filing Fee	16,812	0	\$0.00	\$84,060.00
Mortgage Tax Affidavit Filing Fee	8,997	0	\$0.00	\$44,985.00
Customer Service:				
Certified Copies, Copies, Searches	4,011	0	\$0.00	\$39,009.30
Map Copies	407	0	\$0.00	\$3,198.00
Administrative Fee, Refund Processing				\$31,776.91
Liens:				
Ucc Filed	8,324	2	\$0.00	\$294,700.00
Federal tax liens filed	2,723	0	\$0.00	\$108,180.00
Other Federal Liens	182	0	\$0.00	\$987.00
Notices of Common Charges	405	0	\$0.00	\$2,025.00
Certified Copies, Copies, Searches	303	0	\$0.00	\$1,675.50
2016 Land Records Division Total:			<u>\$1,514,832.00</u>	<u>\$6,416,567.71</u>

Legal Division

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2016

	<u>Cost</u>	<u>Fee</u>	<u>No Fee</u>	<u>State Share</u>	<u>County Share</u>
Business Filings					
Business Certificates	\$25.00	2,024	270	\$0.00	\$50,600.00
Incorporations from NYS	Varies	6,146	3	\$0.00	\$56,883.00
Religious Corporations	\$25.00	74	0	\$0.00	\$1,850.00
Certified Papers					
Certified Copies	\$5.00	15,539	0	\$0.00	\$81,630.25
Commissions	\$5.00	524	0	\$0.00	\$2,620.00
Executions	\$5.00	431	0	\$0.00	\$2,155.00
Exemplifications	\$10.00	541	0	\$0.00	\$5,410.00
Matrimonial Dissolutions	\$5.00	2,508	12	\$0.00	\$12,540.00
Transcripts Issued	\$5.00	272	0	\$0.00	\$1,360.00
Veteran's Permits	\$0.00	0	12	\$0.00	\$0.00
Court Fees					
Commencements (Index Numbers)	\$210.00	19,347	529	\$3,559,848.00	\$503,022.00
Foreclosure Surcharge	\$190.00	1,409	0	\$267,710.00	\$0.00
Judgment Transcripts Filed	\$10.00	2,213	3,873	\$0.00	\$22,130.00
Judgments Entered	\$45.00	1,905	284	\$85,725.00	\$0.00
Jury Demand	\$65.00	1,249	0	\$81,185.00	\$0.00
Liens/ Small Liens	Varies	5,798	66	\$50,768.00	\$55,147.00
Motion	\$45.00	8,886	91	\$399,870.00	\$0.00
Note of Issue	\$30.00	5,613	37	\$168,390.00	\$0.00
Notice of Appeal	\$65.00	995	20	\$64,675.00	\$0.00
Order to Show Cause	\$45.00	2,619	24	\$117,855.00	\$0.00
Request for Judicial Intervention	\$95.00	10,272	569	\$1,051,080.00	\$0.00
Separation Agreement	\$5.00	35	0	\$0.00	\$175.00
Small Claims Assessment Review	\$30.00	7,114	0	\$177,850.00	\$35,570.00
Stipulation	\$35.00	8,016	24	\$280,560.00	\$0.00
Subpoenas	\$20.00	47	4	\$0.00	\$940.00
Trial De Novo	\$75.00	2	0	\$150.00	\$0.00
Criminal Fines and Civil Sanctions:					
Criminal Fines	Varies	31	0	\$0.00	\$23,745.00
Felony Surcharge	Varies	286	0	\$81,832.00	\$0.00
Misdemeanor Surcharge	Varies	74	0	\$12,767.00	\$0.00
Violation Surcharge	Varies	87	0	\$8,315.00	\$0.00
Sex Offender Registration	\$50.00	23	0	\$1,150.00	\$0.00
DNA Data Bank Registration	\$50.00	351	0	\$17,550.00	\$0.00
Crime Victims Assistance Fee	Varies	440	0	\$10,960.00	\$0.00
Supplemental Sex Offender	\$0.00	21	0	\$21,000.00	\$0.00
Criminal Penalty for DWI	Varies	138	0	\$27,073.00	\$0.00
Criminal Fine for DWI	Varies	121	0	\$0.00	\$149,065.00
Sanctions	Varies	1	0	\$300.00	\$0.00

(continued)

Legal Division *(continued)*

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2016

	<u>Cost</u>	<u>Fee</u>	<u>No Fee</u>	<u>State Share</u>	<u>County Share</u>
Domestic Partnership Registry					
New Filings	\$25.00	193	0	\$0.00	\$4,825.00
Amendments	\$25.00	1	0	\$0.00	\$25.00
Terminations	\$25.00	23	0	\$0.00	\$575.00
Notary Public Administration					
Authentication of Notaries Public	\$3.00	9,471	0	\$0.00	\$28,413.00
Character Cards Filed	\$10.00	133	0	\$0.00	\$1,830.00
Character Cards Issued	\$5.00	237	0	\$0.00	\$1,185.00
Notary Public Renewals	\$60.00	1,593	0	\$63,720.00	\$47,180.00
Reports					
Business Filing Report	\$20.00	0	0	\$0.00	\$0.00
Foreclosure Filing Report	\$20.00	83	0	\$0.00	\$1,660.00
Judgment/Lien Report	\$30.00	1	0	\$0.00	\$30.00
Other Filings and Services	Varies	2,509	0	\$490.44	\$23,549.70
2016 Total Legal Division:				<u>\$6,550,823.44</u>	<u>\$1,114,114.95</u>

Licensing Division

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2016

	<u>Fee</u>	<u>No Fee</u>	<u>Cost</u>	<u>Total</u>	
Passport Fees Collected:					
Processing Fees	5,517	0	\$25.00	\$137,925.00	
Photo Fees	5,171	0	\$10.00	\$51,710.00	
Photo Fees (Senior)	594	0	\$7.00	\$4,151.00	
Miscellaneous	0	0		<u>\$0.00</u>	\$193,786.00
Pistol License Administration:					
New Applications	968	34	\$10.00	\$9,680.00	
Amendments	3,521	0	\$3.00	\$10,563.00	
Recertifications	972	274	\$10.00	\$9,720.00	
Dealer/ Gunsmith	3	0	\$10.00	\$30.00	
Transfers	148	0	\$5.00	\$740.00	
Photo Fees	1,066	0	\$10.00	\$10,660.00	
Replacement	47	0	\$5.00	\$235.00	
Photo Fees (Senior)	8	0	\$7.00	\$56.00	
Miscellaneous	0	0		<u>\$0.00</u>	\$41,684.00
Naturalization Ceremony Administration:					
Ceremony Administration Fees				\$43,027.52	
Certified Petitions	43	0	\$5.00	\$215.00	
Certified Letters	21	0	\$5.00	<u>\$105.00</u>	\$43,347.52
Westchester County Identification Cards:					
Cards Issued	712	0	\$8.00	\$5,696.00	
Photo Fees (Senior)	12	0	\$7.00	\$84.00	
Photo Fees	570	0	\$10.00	<u>\$5,700.00</u>	<u>\$11,480.00</u>
2016 Licensing Division Total:					<u><u>\$290,297.52</u></u>

OPERATING BUDGET

2016/2017 Comparison

	<u>2016</u>	<u>2017</u>
Positions		
Operating Budget	72	71
 Operating Budget Expenditures		
Personal Services	\$4,238,050.00	\$4,514,558.70
Equipment	\$5,629.50	\$5,810.00
Materials & Supplies	\$109,553.00	\$137,500.00
Expenses	\$312,105.00	\$464,796.00
Inter-Departmental Charges	<u>\$1,678,826.00</u>	<u>\$1,642,912.00</u>
	\$6,344,163.50	\$6,765,576.70
 Operating Budget Revenues		
Departmental	<u>\$9,303,259.00</u>	<u>\$9,031,725.00</u>
 Department Tax Levy	(\$2,959,095.50)	(\$2,266,148.30)

2016 Departmental Initiatives and Accomplishments

eSolutions Bring Efficiency for Westchester Customers: The Office of the Westchester County Clerk has become a state-wide leader in capturing the benefits that technology has to offer. In our Land Record Division, documents such as deeds and mortgages can be recorded and paid for electronically, allowing legal interests to be secured more quickly and efficiently, vastly reducing the liability of the new homeowners and their financing company. By the end of 2016, almost seventy-five percent (75%) of the documents submitted to the Land Records Division were voluntarily submitted electronically. In our Legal Division, almost eighty-five percent (85%) of our 2016 civil cases were mandatorily commenced electronically through the New York State Courts Electronic Filing (NYSCEF) system. The NYSCEF system also helps our office process documents and transmits them to our partners in the New York State Supreme Court. In addition, our online library of documents, known as Westchester Records Online, continues to grow, allowing those who want to do business in the county to have quick and easy access to public documents and information. On one day alone in 2016, the system received over 20,000 hits!

Smart Budgeting Contributes to Reduction in County Levy: Despite a reduction in revenue over the years due to a modest real estate market, the office continues to collect revenue in excess of expenses due to our continuing efforts to reduce the operating costs of the day to day operations. Our staffing continues to get leaner, having now been reduced by thirty-five percent (35%) over the last eleven years. The cuts have been predominantly achieved through attrition. Each position which was vacated over the year was analyzed for its impact on our productivity and left vacant for a period of weeks or months to thoroughly test its necessity. Our cumulative savings resulting from these position cuts over the past decade has now approached six million dollars.

Licensing Capital Project: Upgrading our computer applications used by staffers is always near the top of our priority list. In 2016 we have coordinated with the County's Department of Information Technology (DoIT) to produce a new system that will support the processing of applications, amendments and the recertification of pistol licenses. That application has been completed and is now in the testing stages with Clerk's office personnel. The system is also being built to process Westchester County Identification Cards, the processing of United States Passport applications and to assist in our role as federal agent in the naturalization of new citizens.

Westchester Records Online: This web-based application has been a boon to the Westchester citizenry and economy as hundreds of thousands of records are available twenty-four hours a day, seven days a week. Working with DoIT, this system is constantly being upgraded to provide excellent service and new features. In 2016 the following has been accomplished:

- 1) Instructional Videos – Early in the year we released four instructional videos on the following topics: Searching Land Records in WRO, Searching Legal records in WRO, Searching Maps in WRO and Registering as a User in WRO.

- 2) Security Upgrades – In June 2016, upgrades were installed which allowed our office to detect and shut down “screen scrapers” whose activities caused a system slow down for all users. This enhancement has reaped benefits. In one instance, a major user was scraping our system to re-sell the data. We are able to force them into a contract and to do their work during off-hours to keep the system from slowing for all users.
- 3) Internal Upgrades – A variety of internal reports were created to allow for better analysis of work flow, data and budgeting functions.

Community Outreach-Mobile Passport Office: Our mobile office visits each city and town in Westchester County so that residents are able to apply for a United States passport close to home. Our mobile office is staffed by a passport agent who is authorized to accept applications and can answer questions about applications and renewals. In addition, the mobile office is available to take passport photos. In 2016, over eight hundred passport applications were accepted. Our staffers enjoy helping those residents who preferred using the mobile office rather than traveling to downtown White Plains. In addition, with local post offices reducing their hours of service for processing passport applications, residents are seeking out this service. Weekend and evening hours are popular for those who cannot make it during regular business hours.

Foreclosure Captured and Shared to Assist Homeowners in Need: The Office of the Westchester County Clerk continues to capture vital statistics from foreclosure cases aimed at providing the county with data they need to secure funds to assist residents impacted by the foreclosure crisis. In 2016, the number of foreclosure cases filed once again exceeded 2,200, a trend that has continued for ten years. Unfortunately, the number of judgments exceeded 1,100 for only the second time in that same time period. The Westchester County Clerk is the Clerk of the Westchester County Supreme Court where foreclosures are heard. The Clerk himself continues to serve closely with local agencies attempting to slow the rash of foreclosures county-wide.

State-Wide Action to Improve Services: The County Clerk is proud to be serving in three key positions that help enhance the work of County Clerks throughout the state of New York and the nation. At the request of the New York State Office of Court Administration, he is currently serving as Chair of the Office of Court Administration Supreme Court Advisory Committee for Civil e-Filing, a group twenty-four strong from throughout the state mandated by State legislation with the mission of assisting the Chief Administrative Judge in the review of applications by counties looking to move into the 21st century through the mandatory electronic filing of court cases. To date, six counties have gone through the process with hopefully many more to be processed in 2017.

In addition, the Clerk is the long standing Co-Chair of the New York State Association of County Clerk’s Legislative Committee, the arm of the association responsible for lobbying for and moving through legislation that improves the services of our offices throughout the state.

The Clerk also is serving on the Property Records Industry Association Committee on Predictable Fees, an issue that has long-been debated on a national basis, that causes delays in the recording of deeds, mortgages and related papers. The fees can often vary from county to

county and state to state. The clerk has long been an advocate for the simplification and standardization of such fees as another way of making governmental services easy.

The office has also worked hard to develop a strong and positive relationship with our colleagues in the New York State Land Title Association (NYSLTA). NYSLTA has had a voice in changes ranging from the creation of our Property Records Electronic Portal (PREP) to a requirement that we collect a local transfer tax receipt in the cities of Yonkers, Mount Vernon and Peekskill. This has allowed us to benefit from their advice and also earn their support and advocacy in their own industry.

Scanning of Tax Maps and Assessment Rolls: The County Clerk often hears from the land title industry about issues that are related to our role but do not fall directly into the office's jurisdiction. One such issue is the maintaining of old tax maps and assessment rolls in the office of the Westchester Tax Commission. These documents have been kept in paper form forever. The clerk voluntarily offered to finance the first \$ 50,000 in costs to electronically scan all the tax maps and as many of the old assessment rolls as would fit under this budget. The result will be a permanent electronic record that can easily be accessed by land records professionals.

By the Numbers...

1

The average number of days before a land record submitted to the Office of the Westchester County Clerk is recorded. If submissions are made before noon, they are often recorded before noon on the following business day. Electronic submissions made through our Property Records Electronic Portal (PREP) System can be on record in a matter of hours.

2,880

The approximate number of newly naturalized citizens who will have been sworn in by the Westchester County Clerk in 2016. Naturalization ceremonies take place approximately every other Wednesday in the Richard J. Daronco Courthouse.

69 %

The record high monthly percentage of electronically submitted land records, facilitated by the County Board's capital funding in 2008. The success of this voluntary program is paying huge dividends in the form of faster recording times, increased efficiency, and cost-savings.

84 %

Eighty-four percent (84%) of our civil actions are commenced electronically. In recognition of Westchester County's leadership, County Clerk Idoni continues to Chair the New York State Supreme Court (Civil) E-Filing Advisory Committee which advises the Chief Administrative Judge of New York State and received an award from his colleagues throughout the state for our efforts.

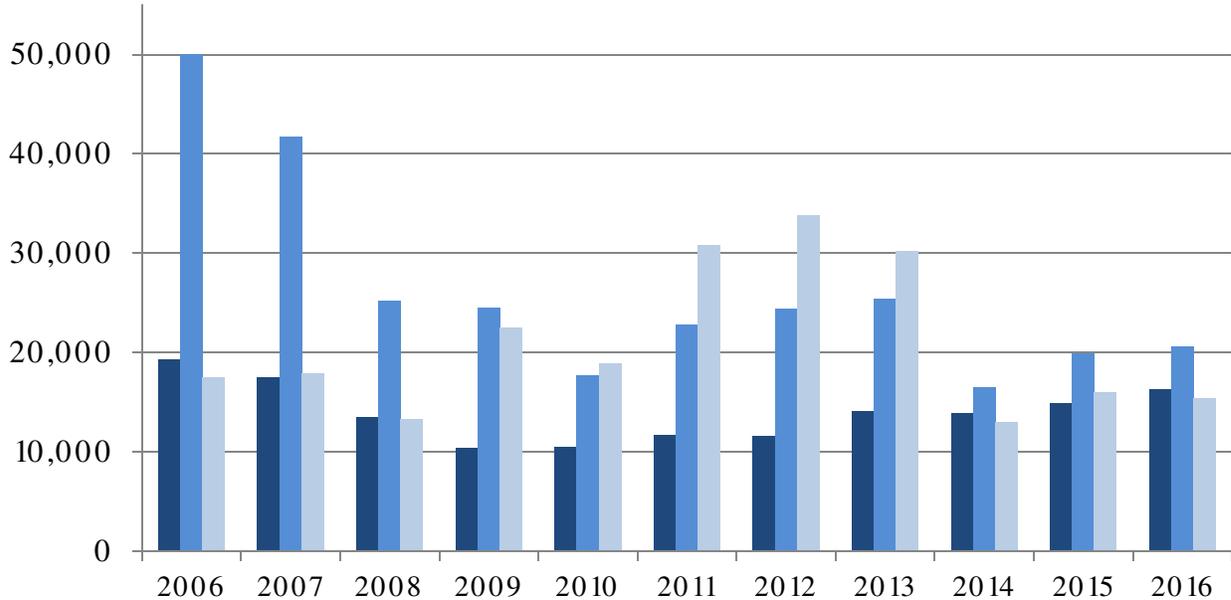
10,118

The average number of searches conducted in Westchester Records Online each day in 2016. WRO is the online home to hundreds of thousands of land records, legal records, and maps and allows customers convenient access from any location with an internet connection.

Statistics of Interest

Indicators from our Land Records Division

Deeds, Mortgages & Mortgage Papers Recorded



Highest 2016 Conveyance Amounts

100 Main Street, White Plains • \$119,582,000 • Recorded September 19, 2016

200 Beacon Hill Drive, Greenburgh • \$50,375,000 • Recorded June 9, 2016

1 Rockwood Road, Mount Pleasant • \$50,000,000 • Recorded November 23, 2016

Highest 2016 Mortgage Tax Payments

765-777 Old Saw Mill River Road, Greenburgh/Mount Pleasant • \$7,479,835 (\$1,438,430 County Portion) • Recorded February 3, 2016

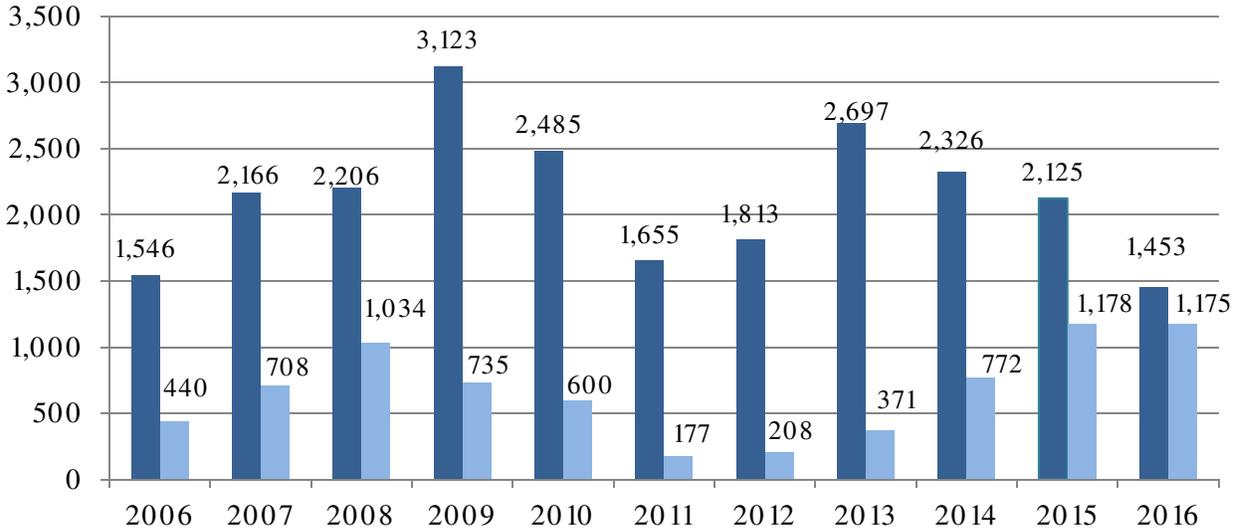
410 Saw Mill River Road, Greenburgh • \$530,171.20 (\$101,956 County Portion) • Recorded February 2, 2016

113 Warburton Avenue, Yonkers • \$339,535.80 (\$47,157.75 County Portion) • Recorded May 19, 2016

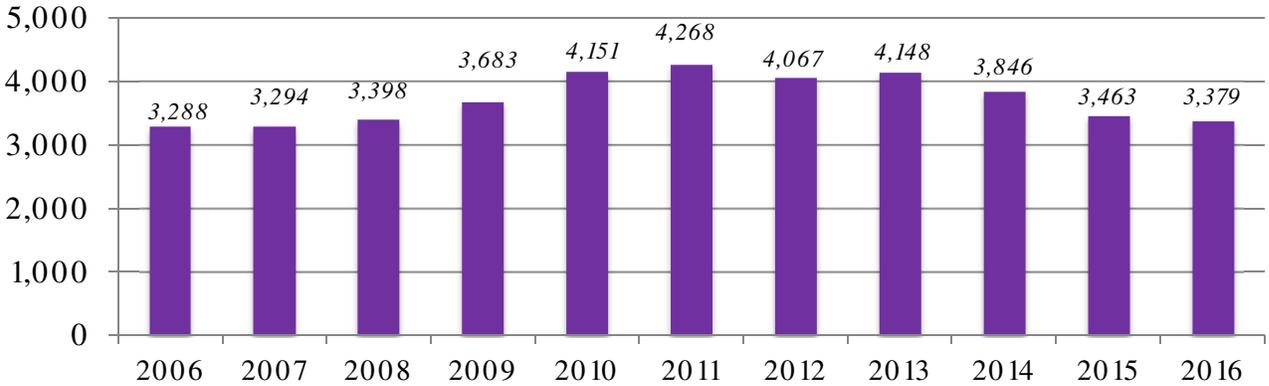
Statistics of Interest

Indicators from our Legal Division

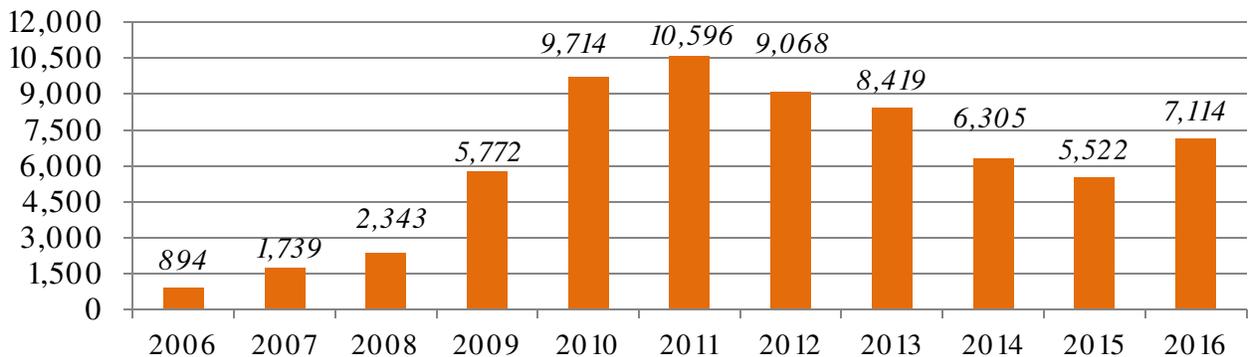
Foreclosure Filings and Judgments



Tax Certiorari Proceedings Commenced



Small Claims Assessment Review Petitions Filed



2016 Community Outreach

