

INTRODUCTORY LOCAL LAW NO. 2 - 2007

LOCAL LAW NO. 1 - 2008

A LOCAL LAW INCREASING THE SALARIES OF SOME ELECTED COUNTY OFFICERS  
AND COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF  
OFFICE

BE IE ENACTED, by the Herkimer County Legislature of the County of  
Herkimer as follows:

Section 1. The base annual salary of the County Administrator shall  
be the sum of eighty Four Thousand Skiteen Dollars (\$84,016).

Section 2. The base annual salary of the County Treasurer shall be  
the sum of Fifty Three Thousand Three Hundred Twenty-Five Dollars (\$53,325).

Section 3. The base annual salary of the County Highway Superintendent  
shall be the sum of Eighty Three Thousand Eight Hundred Twenty-Three Dollars  
(\$83,823).

Section 4. The base annual salary of the County Clerk shall be the sum of  
Fifty Three Thousand One Hundred Ninety-One Dollars (\$53,191).

Section 5. The base annual salary of the Director of Real Property Tax  
Services shall be the sumof Forty-Five Thousand Eighty Hundred Seven  
Dollars (\$45,807).

Section 6. The base annual salary of the Personnel Officer shall be the  
sum of Fifty Seven Thousand Seventeen Dollars (\$57,017).

Section 7. The base annual salary of the Commissioner of Social Services  
shall be the sum of Seventy Six Thousand Six Hundred Fifty-Seven Dollars (\$76,657).

Section 8. The base annual salary of the Commissioners of Elections shall  
be the sum of Thirty Three Thousand Six Hundred Ninety Dollars (\$33,690).

Section 9. The salary of the county coroners shall be the sum of One  
Hundred Tweleve Dollars (\$112.00) per call.

Section 10. This Local Law shall be subject to a forty-five day  
referendum after its adoption.

Dated: December 13, 2007.

## INTRODUCTORY LOCAL LAW NO. 1 - 2008

## LOCAL LAW NO. 2 - 2008

A LOCAL LAW TO PROVIDE FOR AN EXEMPTION FROM REAL PROPERTY TAXES FOR REAL PROPERTY OWNED BY VETERANS WHO RENDERED MILITARY SERVICE TO THE UNITED STATES DURING THE COLD WAR

WHEREAS, Section 458-b of the Real Property Tax Law authorizes a limited exemption from real property taxes for residential real property owned by veterans who rendered military service to the United States during the "Cold War"; and

WHEREAS, Section 458-b of the Real Property Tax Law authorizes municipalities to establish maximum exemption amounts; and

WHEREAS, in regard to "Cold War" veterans, as that term is defined under Section 458-b (1) (a) of the Real Property Tax Law, who owned qualified residential real property within Herkimer County, it is the desire of the County Legislature to authorize the "Cold War" veterans exemption and establish maximum amounts; now, therefore

BE IT ENACTED by the Herkimer County Legislature as follows:

Section 1. In accordance with the provisions of Section 458-b of the Real Property Tax Law of the State of New York, qualified and residential real property owned by veterans who rendered military service to the United States during the "Cold War" shall be exempt from County taxation as set forth within.

Section 2. The maximum exemption allowable from County real property taxation pursuant to Section 458-b of the Real Property Tax Law shall be 15 percent of the assessed value of the qualifying residential real property; provided; however, that such exemption shall not exceed nine thousand dollars (\$9,000) or the product of nine thousand dollars multiplied by the latest State equalization rate of the assessing unit, whichever is less; and, in addition where the "Cold War" veteran received a compensation rating because of a service-connected disability, that property shall be exempt from taxation to the extent of the product of 50 percent of the assessed value of the property multiplied by the disability rating, not to exceed thirty thousand dollars (\$30,000) or thirty thousand dollars multiplied by the latest State equalization rate for the assessing unit, whichever is less.

Section 3. This law will take effect immediately upon its filing with the Secretary of State.

Adopted: May 14, 2008.

INTRODUCTORY LOCAL LAW NO. 2 – 2008

LOCAL LAW NO. 3 – 2008

**A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER**

Be it enacted by the County Legislature of the County of Herkimer as follows:

Section 1. Imposition of Tax

Pursuant to Section 253-u of the Tax Law, as extended by Chapter 481 of the Laws of 2008, there is hereby imposed in the County of Herkimer a tax of \$0.25 for each \$100 and each remaining major fraction thereof of principal debt or obligation, which is or under any contingency may be secured at the date of execution thereof or at any time thereafter, by a mortgage on real property situated within the County of Herkimer and recorded after November 1, 2008, and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00. This local law hereby continues without interruption the imposition of the Herkimer County Mortgage Recording Tax as authorized by Herkimer County Local Law No. 3 for 2005.

Section 2. Applicability

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under Section 253.1 and Section 255.1(b) of the Tax Law.

Section 3. Additional Taxes

A tax imposed pursuant to this local law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 4. Payment of Taxes

The tax imposed pursuant to this local law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated. Where such property is situated within and without the county imposing this tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed herein. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 5. Real Property Located in More than One County

Where real property covered by the mortgage subject to the tax imposed pursuant to this local law is situated in the State of New York but within and without the County of Herkimer, the amount of such tax due and payable to the County of Herkimer shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law.

Where such property is situated both within Herkimer County and without the State, the amount due and payable in Herkimer County shall be determined in the manner prescribed in the second paragraph of such Section 260.

Section 6. Disposition of Taxes

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Herkimer during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of his office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of the County of Herkimer

and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Herkimer for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

Section 7. Expiration Date

The tax imposed by this local law shall be effective from November 1, 2008 to December 1, 2010.

Section 8. Effective Date

This local law shall become effective on the first day of November, 2008, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany at least thirty days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the Herkimer County Clerk, the Secretary of State and the State Comptroller within five days after the local law is duly enacted.

Dated: September 10, 2008.

**INTRODUCTORY LOCAL LAW NO. 3 OF 2008****LOCAL LAW NO. 4 OF 2008****A LOCAL LAW PROVIDING FOR ENHANCED PERSONAL PRIVACY PROTECTION FOR DOCUMENTS RECORDED IN THE OFFICE OF THE COUNTY CLERK, AND AUTHORIZING AN INCREASE IN FEES COLLECTED BY THE COUNTY CLERK FOR THE RECORDING, ENTERING, INDEXING AND ENDORSING A CERTIFICATE ON ANY INSTRUMENT**

BE IT ENACTED by the County Legislature of the County of Herkimer as follows:

Section 1. Title.

This Local Law shall be known as the "Enhanced Personal Privacy Protection and Fee Increase for Recorded Documents Law".

Section 2. Declaration of intent.

In accordance with subparagraph (2) of paragraph 4 of subdivision (a) of section 8021 of the Civil Practice Law and Rules, as amended by Chapter 78 of the Laws of 1989, the Herkimer County Legislature authorizes the Herkimer County Clerk to increase the fees charged for certain documents recorded with the County Clerk's Office.

Section 3. Fees for recording documents.

For recording, entering, indexing and endorsing a certificate on any instrument, the fee is increased from five dollars to twenty dollars and, in addition thereto, is increased from three dollars to five dollars for each page or portion of a page. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument. A cover page shall not include any social security account number or date of birth. To the extent that the Herkimer County Clerk has placed an image of such cover page on line, the County Clerk shall make a good faith effort to redact such information.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional or invalid in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation

shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 5. Effective date.

This Local Law shall take effect twenty days after filing in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

Dated: December 17, 2008.