§ 35. Powers and duties of collector. 1. The collector of taxes shall be subject to the duties and shall have and possess, and shall exercise in the manner and within the time prescribed by law, all the rights, powers, authority, and jurisdiction conferred upon him by law. The county clerk, in whose office the collector's undertaking shall have been filed, shall make an entry thereof in a book to be provided for the purpose in the same manner as judgments are entered of record; and every such undertaking, except where the surety thereon is a fidelity or surety company duly authorized to transact business and act as such surety within this state, shall be a lien on all the real estate held by the collector or his sureties within the county at the time of the filing thereof, and shall continue to be such lien, until its condition, together with all costs and charges which may accrue by the prosecution thereof shall be fully satisfied. Upon a settlement in full between the county treasurer and the collector, a certificate of payment shall be executed in duplicate by the county treasurer, one copy to be delivered to the collector and one copy to be filed by the county treasurer in the office of the county clerk, and said county clerk shall then enter a satisfaction thereof in the book in which the filing of said undertaking is entered and opposite said entry of filing. The collector shall within twenty-four hours after receiving the same deposit and secure all sums of money received and collected by him in the manner provided by section ten of the general municipal law. All tax moneys so deposited shall be paid to the supervisor at least once in each week or at more frequent times as may be specified by resolution of the town board, provided however, that after payment to the supervisor in full of all moneys payable to him pursuant to any warrant for the collection of taxes, the residue, if any, shall be paid to the county treasurer not later than the fifteenth day of each month following the receipt thereof. The town board may require that such moneys be deposited in an interest bearing account. The interest earned on tax moneys so deposited, collected on behalf of the county, shall belong to such county unless the legislative body of such county has, by resolution, authorized the town to credit all or a percentage of such interest to the general fund of the town. Upon adoption of such resolution, the clerk of the county legislative body shall notify, in writing, all town supervisors of the percentage of interest the town is authorized to credit to its general fund. The

provisions of this subdivision regarding the deposit of moneys and crediting of interest shall be controlling and shall apply to each town, notwithstanding any inconsistent provisions of any general, special or local law.

2. The collector of taxes may appoint, and at his pleasure remove, a deputy who shall serve without compensation from the town unless otherwise provided by the town board. Such appointment shall be made by an instrument in writing which shall become effective upon the filing thereof in the office of the town clerk. Such deputy collector shall possess the powers and perform the duties of the collector of taxes during the absence or inability to act of the tax collector, or during a vacancy in the office of collector. The collector shall be liable for the faithful performance of his duties by a deputy designated by him, except where such deputy is acting during a vacancy in the office of collector. Whenever a vacancy shall occur in the office of collector, the town board shall require the deputy collector to file in the office of the clerk of the county in which the town is located, an official undertaking conditioned for the faithful performance of his duties, in such form, in such sum and with such sureties as the town board shall direct and approve. Such approval shall be indicated upon such undertaking. The town board may by resolution determine that any such undertaking or bond shall be executed by a surety company authorized to transact business in the state of New York and the expense thereof shall be a charge against the town.