

Present: Legislator Bausch, Hancock, Leadley, Cianfrini, Ferrando, Stein, Lawrence, Clattenburg. Also Present: Legislature Clerk Kingdon, County Manager Gsell, Assistant County Manager Ciaccia, Election Commissioners Siebert and Cassidy, County Clerk Read, Deputy Human Resources Director Cleveland.

Chair Bausch called the meeting to order at 4 PM in the Legislature Conference Room. The minutes of the September 4, 2013 meeting were approved upon motion of Legislator Cianfrini seconded by Legislator Hancock.

Election Commissioners Siebert and Cassidy presented a contract renewal with NTS Data Services, LLC. NTS Data Services has been serving the Board of Elections by providing voter registration system, Sign-It signature digitization and IMS Interface Messaging Systems for many years. The last contract was for \$23,649 and covered a two year contract with options to renew for 3 one year periods. There are no additional renewals, and NTS has quoted a new contract covering 2014 and 2015 at a cost of \$26,448 per year with the option to renew for three one year renewals at the same price. This was approved for placement on the next Legislature Agenda upon motion of Legislator Hancock seconded by Legislator Cianfrini.

Next Commissioner Siebert and Cassidy presented the Election Charge Backs for Inspectors Pay. Starting back with the 2007 election cycle, the Elections Department has charged back to the Towns and the City of Batavia all per diem fees for election inspectors for Primary, Special and General Elections plus the mandatory yearly training required by the State Board of Elections. This was approved for placement on the next Legislature Agenda upon motion of Legislator Cianfrini seconded by Legislator Hancock.

Mr. Siebert gave an update on OTB and the Batavia Downs. When the Governor was done with his negotiations with the Seneca's, it put the Batavia Downs and the Buffalo Raceway in the exclusive area of the Seneca area nation. This means that the Batavia Downs cannot call itself a casino and cannot have electronic table games. The good news is that they will receive money to change their logo from the Batavia Downs Casino to the Batavia Downs Raceway. The other good news is that the Batavia Downs now has to pay a reduced rate to the New York Racing Association; this amount has been reduced by about \$600,000 a year. The Downs can now collect out-of-state wagers which are approximately \$600,000 a year. These two new things will generate \$1.2 million dollars in revenue that they did not have before. They are moving forward on the reconstruction of the casino, which is about a \$27 million project. The Ways and Means Committee thanked Mr. Siebert for the update.

Stop DWI Director Ciaccia did present a plan for 2014 for the continuance of efforts to reduce the number of drinking drivers in the community through education, enforcement and rehabilitation. The amount of the 2014 Stop DWI Plan is \$151,500. Mr. Ciaccia

passed out the Genesee County DWI arrests. This shows the DWI arrests from 1996 through 2012. In 2012 there were 206 arrests in the County for DWI. This is an all-time low since 1996. Mr. Ciaccia feels this speaks to the success of the program. The program is doing what it is intended to, and that is to reduce the number of drunk drivers on the roads and making the roads safer. Mr. Ciaccia feels the major reason for these low numbers is because in Genesee County there is money in the budget for education prevention programs along with enforcement. He feels that this is a winning formula. About 10-15 years ago it was a goal of Mr. Ciaccia to bring this arrest figures fewer than 200 and he thinks the 2013 numbers will be under that. Legislator Ferrando asked if the arrest figures include the Darien Lake Concert arrests. Mr. Ciaccia stated that they do include the concert arrests. Because there is a reduction in DWI arrests this means that less Stop DWI revenue is coming in. This has resulted in a reduction in the DWI budget. The 2014 proposed budget is \$151,500 this is reduction of \$63,500. Over two years the budget has been reduced by \$100,000. Every department within this budget has been cut. Legislator Cianfrini asked if Mr. Ciaccia's budget has been reduced as part of this Stop DWI budget. Mr. Ciaccia stated he would receive the same amount of money as previous years. Legislator Cianfrini asked if everyone else is receiving a cut within this budget why is Mr. Ciaccia not. Mr. Ciaccia explained that the allocation is on a percentage basis of the salary that is part of the County Manager's office. If the salary from the Stop DWI budget is cut, the County Manager's office will need to pick up the balance of the salary for the other functions that Mr. Ciaccia does outside of Stop DWI. Legislator Cianfrini again asked if other agencies such as the Sheriff's Office, the District Attorney's office is taking a reduction because they are not taking on as many DWI cases, why does Mr. Ciaccia's salary stay the same, shouldn't he take the same hit that the other agencies are taking? County Manager Gsell stated that Mr. Ciaccia gets paid by a percentage of time that he works on Stop DWI. The time has not decreased that he is working on this program; therefore the salary would not go down. Legislator Cianfrini then stated that he does not feel the DWI arrest figures are accurate. From his experience and knowing how this operates that these figures do not reflect Genesee County DWI arrests. He stated that it may be arrests by Genesee County funded law enforcement but that the State Police arrests figures and the Village of Corfu arrests are not in the figures presented. Mr. Ciaccia stated that he is not able to obtain State Police DWI arrests that are just Genesee County. The Village of Corfu did not make any arrests. Mr. Cianfrini stated that the revenues from arrests that are made by the State Police in Genesee County are in this Stop DWI budget. Because various revenue is projected but that the revenue is not actually accurate because the State Police revenue is not reflected, therefore he feels these figures are not accurate and if you cannot account for the State Police and there is revenue coming in what will be done with that money? Mr. Ciaccia wanted to clarify that his revenues are not projected on the arrest figures given for 2012 but are projected by actual money received from DWI arrests including the State Police. Mr. Cianfrini

stated that he thinks this program does a great job and he accepts that the program is working because the arrests are down but that he is having a difficult time accepting that every agency in this budget is taking a hit but Mr. Ciaccia's salary remains the same and that the arrests are not a true and accurate depiction of DWI arrests in Genesee County. This was approved for placement on the next Legislature Agenda upon motion of Legislator Leadley seconded by Legislator Cianfrini. After the above discussion a voice vote was taken with 3 ayes and 1 no by Legislator Cianfrini.

The term of office has expired for a citizen member of the STOP DWI Advisory Board and he has indicated a desire and ability to continue service. Mr. James Tuttle of Corfu, NY is seeking reappointment as a citizen member to serve another term effective immediately through December 31, 2015. This was approved for placement on the next Legislature Agenda upon motion of Legislator Hancock seconded by Legislator Leadley.

County Clerk Read provided his department review. Mr. Read stated the motor vehicle office is seeing a reduction in the walk-in trades. Some of the reasons for this are because internet transactions and initiatives receive priority and offer ease and accessibility. With renewals the state provides envelopes and instructions that don't include the County Clerk's information. Dealer, sales and work is up. One out of County dealerships recently brought in 295 transactions on a Monday morning, a small group on Wednesday, hundred and 60 on Friday. Total net revenues for the County from that dealership alone will probably exceed hundred thousand dollars this year. It was necessary to bring in staff at 7:30 am several times to keep up with the workload. CDL license changes become confusing to the public, resulting in many questions and phone calls. This is driven by federal requirements and pressure. There are 564,000 CDL drivers in New York State. They are sending out 58 -60,000 notices per month. If the individual does not respond by the end of the year the license could be changed to a standard class D license. If they wish to retain the CDL privileges they would need to reapply. Licenses issued before 1999 are grandfathered in, to some extent. The County has over 800 employees. If you assume a conservative average of three vehicles per family and they did all registration and license transactions with the DMV office it could produce up \$100,000 in additional revenue per year. The DMV office continues to send out reminders to send over registration and license transactions via inner office mail to help generate this revenue. While the vehicle use tax revenue is credited to the County Treas.'s office, the County Clerk's office collects and administers the tax with the exception of any appeals for exemption. In 2012 this produced \$20,032 in revenue for 2013. Today this revenue is \$266,690. The SAFE Act has had a tremendous impact on the workload at the County Clerk office. The total number of individuals that filed exceeded 4500, at last count. These are individuals who visited the office with questions and documents to process and file. The new pistol permit applications used to hold 3 to 4 issuance classes per year with an average of 25 to 35 new permits issued per class. This

year there will be 12 to 15 issuance classes, with an average of 45 to 55 new permit holders per class. In previous years, the average was 100 to 125 new permits a year with a record of 208 and 2012. Currently there have been 426 new permits issued this year; the processing time is gone from 2 to 4 months up to the four to six months. There are normally 900 to 1000 pistol permit amendments a year. These would be for handguns added or deleted from an individual's permit, changes in address, duplicate permits, etc. This year to date the County Clerk's office has processed 2478 amendments. In the fall of 2012 the County Clerk began the transition to granting unrestricted status for permit holders to have had their permit for over five years with no criminal charges since receiving their permit, no orders of protection and a history of accurate record-keeping. This is added to the volume of pistol permit related activities in the office. To date they have processed 226 applications for unrestricted licenses. This change was made to more closely mirror the surrounding counties. The file of each applicant is thoroughly reviewed a recommendation made by the County Clerk, then forwarded to the Sheriff for his recommendation. Lastly, the application and recommendations are forwarded to the Judge for a decision. The final step is to contact those individuals who have been approved schedule time to receive their updated plastic card permit. The County Clerk was appointed to the Governor's Commission on Implementation of the SAFE Act. This group provides background and input on procedures. Mr. Read is currently involved with the working group that is dealing with recertification procedures and implementation of a statewide database. Genesee County has been selected to serve as a pilot County in this process. New initiatives for 2013 include the town and city assessors hooked into the County system to access all real property transactions for their municipalities. This replaces the previous system of providing them with card copies of every transaction. Recently, the County Clerk's office has provided the County Supreme and Circuit Courts with computer access to all records by computer. They no longer need to have files sent to them for review and pending court actions or call the office for details. This reduces both the workload and gives the court direct access. One major effort planned for 2013 has been placed on hold, this being the record restoration. Mr. Read had hoped to have all of the adoption records microfilmed for permanent retention and backup to the paper files. This involves unsealing each file and forwarding them to the computer vendor for microfilming a major effort for the County Clerk office. Currently, there is neither the staff nor the time required to complete it in 2013, but hopes begin initial efforts later in the year for completion in 2014. The County Clerk is continually working over the last few years to add to the database of computerized records. Through the excellent partnership with the vendor, ACS/Xerox, all court files, both civil and criminal can now be scanned into the system and are making progress with backdating court files and records. This is an ongoing program with other records in the office. FOIL requests have averaged 20 to 25 per year over the past few years. These have increased to 2013 and will probably exceed 50 for 2013. Each request takes from 30 minutes to several hours to

provide a response. Request by incarcerated individuals account for over half of the submitted requests. While many of these result in copies provided at the statutory fee, they do not come close to compensating for the time involved. In spite of the constantly increasing workload the County Clerk's office has been able to maintain their daily activities and expand their level of computerization at a slower pace than anticipated, without any additional staffing. Staffing has remained constant since they received an additional staff member when they took over the pistol permit process in 1983, 30 years ago. Mr. Read also stated that he has chosen a candidate for the vacant Deputy County Clerk and will be appointing Michael Cianfrini. Michael is currently a lawyer and Mr. Read feels having an attorney as the Deputy County Clerk brings in a wealth of knowledge that will help with many situations. The County Clerk's office recently attended the snowmobile show in Pavilion and did 49 snowmobile registrations at that show. The Committee thanked Mr. Read for his update.

The following referrals from the Public Service Committee were approved for placement on the next Legislature Agenda upon motion by Legislator Cianfrini:

A budget amendment / Highway-Road Machinery Fund seconded by Legislator Hancock
Capital Projects/Budget Amendment/Transfers-Highway/Airport- Close seconded by Legislator Leadley
Capital Projects-Highway/Parks-Close seconded by Legislator Hancock
Budget Amendment/Transfer-Sheriff/Body Armor seconded by Legislator Leadley
Budget Amendment-EMS/AEMT Program seconded by Legislator Hancock

County Manager Gsell presented the appointment of Mrs. Anita Cleveland of Oakfield, NY as Genesee County Human Resources Director for a six year term effective September 23, 2013 through September 22, 2019, at a salary of \$62,000. This was approved for placement on the next Legislature Agenda upon motion of Legislator Cianfrini seconded by Legislator Leadley.

At motion to adjourn was by Legislator Leadley seconded by Legislator Cianfrini.

Robert Bausch, Chair
Ways & Means Committee
Submitted 9-30-13 ssk