

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: JOINT MEETING - SUPPORT SERVICES & COUNTY FACILITIES

DATE: JANUARY 30, 2008

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SUPPORT SERVICES COMMITTEE

MEMBERS PRESENT:

SUPERVISORS VANNESS  
GIRARD  
SIMMES  
GOODSPEED  
STRAINER  
TAYLOR

COMMITTEE MEMBER ABSENT:

SUPERVISOR SHEEHAN

COUNTY FACILITIES COMMITTEE

MEMBERS PRESENT:

SUPERVISORS HASKELL  
O'CONNOR  
THOMAS  
CHAMPAGNE

OTHERS PRESENT:

REPRESENTING THE BOARD OF ELECTIONS:

MARY BETH CASEY, COMMISSIONER  
WILLIAM MONTFORT, COMMISSIONER

REPRESENTING BUILDINGS & GROUNDS:

WILLIAM LAMY, DPW SUPERINTENDENT  
FRANK MOREHOUSE, SUPERINTENDENT OF  
BUILDINGS

HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL  
SERVICES

JOAN SADY, CLERK, BOARD OF SUPERVISORS  
SUPERVISOR TESSIER

JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

TOM RANDALL, *THE ADIRONDACK JOURNAL*

AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

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Mr. Haskell called the joint meeting of the Support Services and County Facilities Committees to order at 12:00 p.m.

Motion was made by Mr. Girard, seconded by Mr. Strainer and carried unanimously to approve the minutes from the November 29, 2007 Support Services Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Mary Beth Casey, Commissioner of the Board of Elections (BOE), who distributed copies of the agenda to the Committee members. *A copy of the agenda is on file with the minutes.*

Ms. Casey began by briefly recanting the issues surrounding the purchase of voting machines subsequent to the introduction of HAVA (Help Americans Vote Act) laws. She advised that since the HAVA regulations were introduced in 2002 the Commissioners of the BOE had made their best efforts to take a proactive approach with respect to the matter in order to purchase the most cost effective voting system for Warren County. Ms. Casey said that they had always felt comfortable with this approach until a recent meeting wherein they were advised of court ordered direction by the Department of Justice to purchase and implement handicapped accessible voting devices at all polling locations. She added that prior to 2008, they had been only been required to have one such handicapped accessible voting machine for the entire County; however, she said, this was no longer

acceptable as per the Department of Justice who now required one handicapped accessible voting machine at each polling location. In order to maintain their proactive stance, Ms. Casey apprised that they had consolidated some of the polling locations to reduce the number from 38 to 22 and in doing so had also decreased the number of handicapped accessible voting machines needed to 25, which included three additional machines for use as backup units. She stated that the problem they now faced was that their system of choice, a DRE (Direct Recording Electronic) Ballot Overlay system, was not selected as an acceptable HAVA Plan B option because one of the Commissioners at the State level did not feel the system created a full face ballot receipt and therefore could not be used as it did not meet the specified requirements from their point of view.

Ms. Casey stated that at least 22 voting systems had to be purchased for 2008 pursuant to the Court order, and it was not conscionable for them to purchase the DRE machine they preferred because it did not appear that it would become a New York State approved machine. She said that because they would be required to obtain 70 approved voting machines of the same type in 2009 to comply with HAVA Plan A regulations, their plan was to purchase 25 of the units that seemed most likely to receive final approval from the State; thereby lessening the number that would have to be purchased for 2009. For this reason, Ms. Casey stated, they had decided upon one of the three Ballot Marking Device (BMD) Optical Scan machines currently in the approval process which seemed the most likely to be approved by the State, regardless of the fact that they felt the use of this machine would actually hurt the County in the long run. However, she said, this matter was out of their hands as only three approved options were given to choose from, all of which were BMD Optical Scan voting machines. Ms. Casey noted that the system chosen would create a ballot on demand for handicapped voters and if the machine received full State approval and was chosen as a permanent voting solution, they could proceed with a full 2008 compliant ballot rollout during the current calendar year. She reiterated that the 25 systems they intended to purchase were still in the testing process and were not yet certified as a Plan A system for 2009, nor was there any assurance that this machine would be chosen as the permanent voting solution to meeting HAVA Plan A regulations. Ms. Casey apprised that the three optical scan voting machines offered were all of approximately the same size; therefore, their space needs for storage and maintenance would be the same regardless of the module chosen.

Mr. VanNess explained that these issues had arisen because the State of New York had not produced a voting machine which met their standards and they were now under Court order to comply with HAVA standards, as the rest of the Country had already done. He noted that although the new machines had to be purchased, there would be no cost to the County as Federal HAVA funds had been granted for such purpose. Mr. VanNess said that during the prior year they had feared that the HAVA funds would be taken away before the State approved a voting machine leaving the County to purchase the required machines at their cost; however, he said, since the purchases were being mandated by Court order they were now being forced to use those funds. He added that at this point they could only hope that the BMD Optical Scan voting machine chosen was the one that would ultimately be certified by the State at the end of the testing process. If it was not, Mr. VanNess stated, the County would then have to purchase 70 of the units certified to comply with Plan A

HAVA regulations, which required that all polling places throughout the State utilize the same voting machine. He then asked if the HAVA funds were used to purchase the 25 machines presently needed and then another machine was certified, would the County be expected to purchase the certified machines with their own monies. William Montfort, BOE Commissioner, replied that the 25 machines presently necessary would cost approximately \$300,000, which was roughly half of the HAVA funds allocated to Warren County. Ms. Casey reiterated that according to all of the information they had received, the optical scan voting machine chosen had the most potential to be chosen as a Plan A solution by the State of New York, although there was no guarantee that it would be so. Mr. Montfort stated that if the State certified the machine chosen and a full roll out of HAVA compliant voting machines could be done in September of 2008, Warren County would maintain their share of the \$49 million in Federal funding which the Government was trying to take away. Their choice of the BMD Optical Scan voting machine had been made based on their best efforts to maintain this funding, he added.

Mr. Goodspeed asked if a decision on which machine to purchase had been made by the remaining Counties of New York State. Ms. Casey replied that they had met with the 16 surrounding Counties in their region to discuss the matter and had found that all were making the same purchase under the assumption that this machine would fulfill the HAVA Plan A requirement for a permanent voting solution.

Mr. VanNess pointed out that because the machines had been chosen and would be ordered and delivered in the near future, a joint meeting of the Support Services and County Facilities Committees had been necessary to determine where the machines would be stored once received. He added that the machines had to be kept in a climate controlled area which could be maintained and monitored by BOE staff.

Mr. Montfort noted that not only did they require sufficient space for the voting machines themselves, they also had to store the paper ballots used by the machines. He advised that they had to operate based on the assumption that 100% of registered County residents would be voting and then triple this figure because the legislature allowed each voter three chances to get their vote right. Theoretically, Mr. Montfort said, they would have to order and maintain 300% of the ballots needed for any election; however, he noted, because they felt that 200% of the figure would be sufficient, a total of 88,000 ballots per election would be required, at a cost of \$.50 per ballot. He advised that due to the costs incurred simply for the purchase of ballots, which he estimated to be \$44,000 per election, they had not desired the optical scan voting system. Mr. Montfort said that although over time, as the public became accustomed to the new voting systems, the ballot costs might decrease with error rates, election costs would be considerable through the use of this system. In addition, he noted, the unused, spoiled and used ballots from each election had to be stored.

Mr. Haskell asked what the mandatory retention was for used ballots and Ms. Casey replied that ballots used in an election had to be retained for a minimum of five years while unused ballots could be destroyed after two years.

Mr. Taylor asked if \$300,000 estimated for the purchase of the initial 25 machines included the costs of the ballots needed for the 2008 elections and Ms. Casey replied affirmatively. Mr. Taylor then asked for clarification on what costs the County would be responsible for if the BMD Optical Scan voting machine chosen for 2008 was not certified by the State. Ms. Casey replied that any HAVA funds remaining after the purchase of the initial 25 machines would be used to offset the costs of the machines required to comply with HAVA Plan A regulations and the County would be responsible for the difference. She added that they estimated the costs of the initial 25 machines to be roughly \$300,000, which would use approximately half of the HAVA funds granted.

Mr. O'Connor stated that he had not been in favor of these mandated purchases. He noted that he had read several articles reflecting many States that were very unhappy with the mandated HAVA regulations because of the fraud and manipulation that had occurred through the use of these new voting machines. Mr. O'Connor said that due to the Court mandate they were forced to proceed with the purchases while other States that had already converted to the new voting machines were experiencing less than favorable results and were viewing the changes as a mistake. He added that although he knew they had to move forward, he was very upset with the way the situation was being handled and the refusal to consider taxpayer feedback with respect to the matter. Mr. Montfort replied that this was the exact sentiment of BOE Commissioners throughout the State.

Mr. VanNess stated that regardless of the emotion tied to the issue, due to the Court order they were required to proceed in the matter or they would have to face the consequences imposed by the Court. Ms. Casey apprised that if they did not comply and order the chosen voting machines, the State would do it for them and remove the necessary funding from the County's State sales tax.

Mr. VanNess asked what the absolute minimum square footage storage area was needed for the voting machines. Ms. Casey replied that it was not appropriate to label the area in which the machines would be housed as "storage" because the space needed would not be solely for this purpose. She explained that they were mandated to perform a re-canvas of every ballot style used by the voting systems, meaning that every public office that had the potential to be voted had to be manually counted at some point, and she noted that there were 19 ballot styles for Warren County. When performing absentee ballot counting, Ms. Casey stated, there could be anywhere from 1,500 to 3,000 ballots, which took three teams of people two weeks to count and verify. She said that they were now required to do the same thing for 19 districts, and the process had to be open to the public. Ms. Casey stated that depending on the number of machines at any location, there could be anywhere from 500 to 1,000 ballots at each voting site that would have to be segregated into districts then counted to be sure that what was on the ballot matched what was listed on the tabulator total. She noted that all of the ballots would remain secured in the voting machines until they were transferred back to their home location for counting.

Mr. VanNess stated that in reviewing the information distributed, it appeared that they required 32 sq. ft. per machine in an open position and when multiplying this figure by the number of machines, a total of 2,600 sq. ft. was required. He added that this figure did not account for space to store the

ballots or for public access. Mr. Montfort pointed out that if read further, the specifications noted that space in front and in back of the machines was required, as well as spacing around the machine sufficient for a handicapped person to access them.

Mr. VanNess pointed out that the 10,000 sq. ft. removed from the plans for the proposed Health and Human Services Building would have fit this need perfectly. He said that in order to appropriately accommodate the needs for the voting machines, they would have to build a 4,000 sq. ft. structure. Mr. Montfort countered that in actuality 7,500 sq. ft. was necessary to appropriately meet the spacing needs for the voting machines.

Mr. Haskell stated that Frank Morehouse, Superintendent of Buildings, had found 1,440 sq. ft. of available space in the basement of the Municipal Center which would be enough to appropriately house the initial 25 voting machines required for the 2008 elections. He said that the site was near the elevator and they would have to install the necessary environmental controls as well as paint and restore the area. Mr. Haskell stated that they would be able to get by with the space available for the time being and his suggestion would be to demolish the old jail, which they intended to do anyway, and erect a metal building, similar to the one housed by Buildings and Grounds, in its place. He said that they could use half of this building for the BOE and the voting machines and the other half for the Tourism Department. Mr. Haskell added that this would also serve as a solution for the Tourism Department as countless hours were spent transporting Tourism publications and items from the basement to their Offices and vice versa. He said that he would contact Clark Patterson Associates (CPA) to determine the status of the demolition project for the jail; however, he recalled, the demolition project had been put on hold as it was part of the proposed Health & Human Services Building project, which had also been delayed. Mr. Haskell stated that he did not know where the funding for this addition would come from but because the space for the voting machines was mandated they had no choice but to create new space for them.

Mr. Montfort pointed out that the 7,500 sq. ft. requested was not a "wish list" figure but rather a necessity according to the mandates passed down to the BOE. In addition, he noted, physical security was required and had been suggested as perimeter alarms, secure locks, video surveillance and/or regular visits by security guards. Mr. VanNess asked if the HAVA funds granted could be used to defray the costs of the new structure that would be needed to meet these space needs and Mr. Montfort replied in the negative.

Mr. VanNess noted that the County would be approving a bond for the proposed HHS Building in the near future and he asked if the costs for the new structure could be included in the bond. Mr. Haskell replied that there were two options available, which were to either build a new structure or lease space. He added that he was not in favor of leasing space, as it was his opinion that it was not cost effective to lease; however, he said, he did feel that the costs to construct a new metal building could be included in the bond for the HHS Building. Mr. Haskell noted that if the County Facilities Committee agreed that it was in their best interest to construct another building in the place of the former jail they would have to approve additional funding for CPA to develop cost estimates for such,

as the project had never been discussed previously.

Mr. Morehouse suggested that it might be worthwhile to authorize CPA to look into adding a fourth floor to the proposed HHS Building while they were still in the design development phase, as the additional level would add the square footage needed. Mr. VanNess replied that if they were to do this they would have to readjust the interior plans because it would not be appropriate for the BOE to occupy the fourth floor because they required a loading dock and would be better suited for occupation of the ground floor. Mr. Haskell agreed that further additions to the proposed HHS building were not favorable because it would cause additional delays to the HHS building project, which had already been delayed for too long.

Mr. Montfort questioned if it might be appropriate to consider leasing space to house the voting machines until alternate space could be constructed and Mr. VanNess replied in the negative, adding that Mr. Morehouse had found sufficient space in the basement of the Municipal Center to house the voting machines until a better solution was determined. He said that in the meantime they would continue to work with the County Facilities Committee to determine the best solution for the situation.

Mr. Taylor asked why the old jail could not be used for storage and Mr. Haskell replied that it could not be used because the floor rating per square foot was less than what was required for a hotel and was not appropriate for storage. He added that because the jail had only seven foot ceilings the floors could not be braced to increase the floor rating as it would decrease the height of the ceiling to six foot which was shorter than many people. Mr. VanNess noted that the old jail had initially seemed to be a good solution for space problems and had been researched thoroughly before it had been eliminated as a viable option to alleviate space concerns.

Mr. Strainer asked why the individual Towns were not housing the voting machines, rather than the County and Ms. Casey replied that as part of the regulations surrounding HAVA funding the BOE was required to keep the voting machines in their custody and control, which did not allow for them to be stored at the Town level. In addition, she noted, due to the centralization of the effort the County BOE had become responsible for all elections.

Mr. Goodspeed stated that over the years the Board of Supervisors seemed to react to these emergency situations as they occurred. He commented that maybe this situation should be used as an opportunity to review the current space needs, as well as future space needs, to determine if the HHS Building should be expanded to account for them. Mr. Goodspeed added that despite their best efforts construction costs were increasing and it would certainly be less expensive to construct a bigger building now than it would be to expand in the future. He said that although he too was hesitant to incur increased expenses on behalf of the County, such as a larger HHS Building would demand, it was his opinion that they might use this crisis as an opportunity to do some long range planning for the future. Mr. VanNess replied that when the HHS Building had initially been designed it had included a considerable amount of space for future growth; however, it had been

reduced drastically in order to reduce the project's budget and it appeared that the HHS Building would be completely filled upon occupation.

Discussion ensued.

Mr. O'Connor asked if there was enough square footage in the footprint of the old jail to accommodate a metal building large enough to meet the needs of the BOE and Mr. Morehouse replied affirmatively. Mr. Morehouse noted that he did foresee one issue in that the space he had found in the basement of the Municipal Center was directly below the old jail and would have to be vacated prior to demolition. Mr. Haskell replied that if they decided to proceed in this direction they would have to lease space for the BOE until the new building was completed. For the time being, he said, the space in the basement of the Municipal Center would suffice.

Motion was made by Mr. O'Connor, seconded by Mr. Girard and carried unanimously to authorize CPA to develop estimates of the cost to demolish the old jail and erect a metal building, similar to the one occupied by Buildings & Grounds, in its place, and the necessary resolution was authorized for the February 15<sup>th</sup> Board meeting.

Mr. Champagne stated that he was a little wary of authorizing CPA to begin this process without limiting the costs to a specific dollar amount and he asked if this should be included in the resolution authorizing the work. Hal Payne, Commissioner of Administrative & Fiscal Services, noted that the original price given, approximately six months prior, for demolishing the old jail was in the neighborhood of \$700,000. He noted that this figure was escalated by the fact that the old jail required a considerable amount of asbestos abatement and there was also power that ran under it to feed the structure housed by Buildings & Grounds which had to be considered during demolition.

Mr. VanNess determined that they would obtain a total for the cost analysis services for inclusion in the resolution prior to its presentation to the full Board of Supervisors at their February 15<sup>th</sup> meeting.

Mr. Montfort noted that opposite the Buildings & Grounds Building there was currently open green space and he asked if it might be less costly to place a new building there, rather than demolishing the old jail to build in that space. Mr. VanNess replied that the old jail had to be demolished anyway so it made more sense to remove it and place a new building there.

Mr. Thomas noted that instead of removing the old jail they might be better served to remove the current floors and retrofit them to allow for use of the space. Mr. VanNess replied that there were several reasons that the jail could not be used, although he could not recall all of them currently. Mr. Haskell added that he would contact Jon Norris, of CPA, to gain the appropriate documentation detailing the reasons why the old jail could not be used.

Discussion ensued.

Mr. Haskell asked how the voting machines would be transported to polling places and Mr. Montfort replied that they would be renting closed trucks with lift-gates to deliver them. Mr. VanNess stated that this need had already been discussed and related costs were included in the 2008 Budget. Ms. Casey noted that currently they reimbursed both the City of Glens Falls and the Town of Queensbury for the costs incurred to deploy the voting machines, while the remaining Towns stored their own machines individually. However, she said, when the new machines were received the County would be responsible for deploying the machines, leaving all of the costs to them. Mr. Montfort noted that the vendors hired to deliver the new voting machines would be receiving \$250 per machine to deliver them to Warren County and it would actually be cheaper for the County to rent a truck and pick them up themselves.

Mr. Payne asked if a moving company would be used to deploy the voting machines and Ms. Casey replied in the negative, explaining that trucks would be rented and their own people would be paid to deliver them.

Ms. Simmes asked if additional employees would be required to facilitate the deployment and Ms. Casey replied that the 2008 Budget included funds to compensate for extra help and no additional funds should be needed for this purpose. Ms. Simmes asked if there would be any cost to the Towns for the voting machines or their deployment and Ms. Casey replied in the negative.

Mr. Champagne asked if the documentation included in the agenda which listed the requirements for the voting system storage facilities was produced by the State Board of Elections and Ms. Casey replied affirmatively. Mr. Montfort added that the last page of the agenda, entitled "Centralized Voting Machine Facilities" was a document he had produced in 2004 when they had first discussed their spacing needs.

As there was no business to come before the Support Services or County Facilities Committees, on motion made by Mr. Goodspeed and seconded by Ms. Simmes, Mr. VanNess adjourned the joint meeting at 12:57 p.m.

Respectfully submitted,  
Amanda Allen, Sr. Legislative Office Specialist