

A G E N D A
FINANCE COMMITTEE
MAY 6, 2009

- 1) Request for Transfer of Funds attached for Committee approval. Supervisory Committee approval has been obtained as necessary.
- 2) **Referral from the Health Services Committee:**
Westmount Health Facility:
Discussion on Capital Project No. 296.9550 280 - Westmount Sprinkler System/Clark Patterson Lee.
- 3) **Referrals from the Human Services Committee:**
Employment & Training:
 - A) Amending the 2009 County budget to increase estimated revenues and appropriations in the amount of \$414,000 to reflect receipt of Federal grant funds.**Office for the Aging:**
 - B) Amending the 2009 County budget to increase estimated revenues and appropriations in the amount of \$25,000 to expend Title IIIIE carry-over funds.
 - C) Request to apply for the American Recovery and Reinvestment Act (ARRA) Nutrition Program for the Elderly funding in the amount of \$26,500, with a local match of \$4,837.**Youth Bureau**
 - D) Amending the 2009 County budget to increased estimated revenues in the amount of \$4,000 and appropriations in the amount of \$1,600 to reflect receipt of funds from the Alive @25 Program.
- 4) **Referrals from the Planning & Community Development Committee:**
Planning & Community Development:
 - A) Closing Capital Project No. H267.9550 280 - Quality Communities Phase II and returning any remaining funds to the General Fund.
 - B) Closing Capital Project No. H268.9550 280 - GIS Software and returning any remaining funds to the General Fund.
- 5) **Referrals from the Public Works Committee:**
DPW:
 - A) Amending the 2009 County budget to increase estimated revenues and appropriations in the amount of \$178,078 to reflect receipt of an increase in CHIPS funding.
 - B) Establishing Capital Project No. H300.9550 280 - Fuel System Upgrades, Repair and Replacement, in the amount of \$350,000, with the source of

funding to be A.9950 Transfers-Capital Projects, for the upgrades, repairs and replacements of fuel system components at the County's eight motor fueling sites.

**6) Referral from the Support Services Committee:
Board of Elections:**

A) Authorizing a new contract with NTS Data Services, LLC for rendered services out of the scope of the existing contract with NTS Data Services, LLC for the Special Election of March 31, 2009, in the amount of \$1,830.37.

7) Referrals from the Traffic Safety Board:

A) Amending the 2009 County budget to increase estimated revenues and appropriations in the amount of \$3,080 to reflect the purchase of a fatal vision STOP-DWI education kit for the Sheriff's Office.

B) Amending Resolution No. 309 of 2009 to increase the total amount from \$4,300 to \$4,500 for the purchase and installation of an on-board camera and to correct the code to A.3315 250 STOP-DWI Program Technical Equipment, as per the County Treasurer.

8) Finance Committee action is required on the following items as approved by the Personnel Committee: Items. 2 and 4A.

RESOLUTION REQUEST FORM NO. 10

Request for Transfer of Funds

TO: JOAN SADY, CLERK, WARREN COUNTY BOARD OF SUPERVISORS

FROM: FIRE PREVENTIN & BUILDING CODE ENFORCEMENT
Name of Department

SIGNED: *Kan Putney* DATE: 04/30/2009

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.3620 422	Repair/Maint.-Equip.	A.3620 220	Office Equipment	\$105.00

Sample: A.4018.0020 110 Preventive Program – Family Health – Salaries – Regular \$xxx.xx

Please state reason for transfers requested: Lack of funds in .220

*Please note: All amounts must be in whole dollars – no cents.

CONTINGENT FUND TRANSFER REQUESTS

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.1990 469	Contingent Account- Other Payments/Contributions			

Please state reason for transfer request:

Please file original request with Clerk of the Board and retain copy for your records.

REQUEST FOR TRANSFER OF FUNDS

TO: Joan Sady, Clerk, Warren County Board of Supervisors
FROM: Office for the Aging

SIGNED: _____ DATE: _____

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A6771 437 Nutri.Eld Ham.Co.Con Fees		A6773 437 Nutrit.Eld War.Co. ConFees		\$ 4,240

Please state reason for transfers requested: To utilize consulting funds for registered dietician in Warren County where the need is greater.

CONTINGENT FUNDS TRANSFER REQUEST

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
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Please state reason for transfers requested:

Please file original request with Clerk of the Board and retain copy for your records.

REQUEST FOR TRANSFER OF FUNDS

TO: Joan Sady, Clerk, Warren County Board of Supervisors
FROM: Office for the Aging

SIGNED: _____ DATE: _____

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A6786 470 OFA POE HamContract		A6786 110 OFA POE Ham Sal Reg		\$14,400
A.6785 410 OFA POE War Supplies		A6785 110 OFA POE War Sal Reg		\$10,000
A.6785 423 OFA POE War Telephone		A6785 110 OFA POE War Sal Reg		\$5,000
A.6785 470 OFA POE War Contract		A6785 110 OFA POE War Sal Reg		\$5,769

Please state reason for transfers requested: To fund a grant dependant position for coordination of POE efforts in Warren and Hamilton counties (\$35,169 total)

CONTINGENT FUNDS TRANSFER REQUEST

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
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Please state reason for transfers requested:

Please file original request with Clerk of the Board and retain copy for your records.

**WARREN COUNTY
EMPLOYMENT & TRAINING ADMINISTRATION**

William F. Resse
Director

Northway Plaza Suite 13C-1
PO Box 4393
Queensbury, NY 12804

Telephone (518) 743-0925
Fax (518) 743-0828

**Human Services Committee
Employment & Training Agenda
4/29/09**

1. Federal Stimulus program - Status
2. Request resolution adding additional federal funds to county budget

<u>Revenues:</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>
	40 6293 0345.4797	Federal Stimulus Adult	\$32,031
	40 6293 0346.4797	Federal Stimulus DW	\$89,352
	40 6293 0347.4797	Federal Stimulus Youth	\$65,129
	40 6293 0348.4797	Federal Stimulus Admin	\$20,724

<u>Appropriations:</u>	<u>Code</u>	<u>Title</u>	<u>Amount</u>
	40 6293 0345 433	WIA Adult Stimulus – Training-Client	\$32,031
	40 6293 0346 433	WIA DW Stimulus – Training-Client	\$89,352
	40 6293 0347 110	WIA Youth Stimulus – Salaries-Regular	\$ 6,500
	40 6293 0347 130	WIA Youth Stimulus – Salaries-Part Time	\$28,000
	40 6293 0347 470	WIA Youth Stimulus – Contract	\$25,000
	40 6293 0347 830	WIA Youth Stimulus – Social Security	\$ 5,629
	40 6293 0348 470	WIA Admin Stimulus – Contract	\$20,724

3. Request resolution to contract with Adirondack Community College for a summer youth employment project. Amount not to exceed \$9,000 beginning on or after 5/18/09 and ending no later than 7/31/09.
4. Other:
 - a. Permission to attend a meeting – NYSDOL/NYATEP Workforce 2009 Conference located in Albany 5/18-5/20 for Bill Resse and Sharon Sano.
 - b. Center activity including chambers of commerce/work united

Note: all requests involve only federal grant funds for said purpose. No local county funds are requested.

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

***If this is the result of a grant award, also complete and submit Form No. 5 or 6.**

DEPARTMENT NAME: **Office for the Aging**

DATE: **April 29, 2009**

- (a) Purpose of Amendment: To increase the budget in order to expend Title IIIE carry- over funds
- (b) Appropriation Code (with title), Object Code (with title) and Amount:
A.6795 470 (General, Title IIIE - OFA - Contract \$ 25,000
- (c) Revenue Code (with title), and Amount: **A.6795 4783 General, Title IIIE - OFA - Title IIIE - OFA \$18,750.00 / A.6795 2099 General, Title IIIE - OFA - Title IIIE - Hamilton \$ 3,125.00 / A. 1990 469 Contingent Fund \$3,125.00**

NEW YORK STATE OFFICE FOR THE AGING

2 Empire State Plaza, Albany, NY 12223-1251

David A. Paterson, Governor Michael J. Burgess, Director
An Equal Opportunity Employer

PROGRAM INSTRUCTION	Number 09-PI-04
	Supercedes

DATE: April 13, 2009

TO: Area Agency on Aging Directors

SUBJECT: American Recovery and Reinvestment Act -
Nutrition Program for the Elderly Funding

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ACTION REQUESTED: AAAs must submit complete applications for funding for the American Recovery and Reinvestment Act (ARRA) Nutrition Program for the Elderly.

PURPOSE: To transmit allocation schedules and funding applications for the ARRA Nutrition Program for the Elderly.

RESPONSE DUE DATE: May 29, 2009

BACKGROUND: As part of the ARRA, NYSOFA received allotments from the Administration on Aging to fund Congregate and Home Delivered Meal programs, in accordance with the regulations used to administer the Older Americans Act Title III-C-1 and Title III-C-2 programs. These funds are expected to be utilized for the provision of meals to the elderly with the goal of expansion of the current Title III-C-1 and III-C-2 programs.

The following information relates to the ARRA Nutrition Program for the Elderly funds. Many of these items are also noted in the Standard Assurance section of the application for funding:

1. Program period - 3/18/09-12/31/09
2. Catalogue of Federal Domestic Numbers for the ARRA funds are as follows:
 - Congregate Meal Program - 93.707
 - Home Delivered Meal Program - 93.705
3. Area Agencies must expend these funds for the provision of Congregate and Home Delivered meals. No expenditures will be allowed for Access and Supportive Services with these funds. Other necessary nutrition services should be provided using the AAAs' regular Title III-C funding.

4. Federal Area Plan Administration will be limited to 10% of the total Federal funds under this program.
5. The purchase of equipment will not be allowed with these ARRA funds.
6. Local matching funds must be provided in an amount equal to at least 25% of the total administration costs and a minimum of 10% of the total services costs (i.e, Federal funds will be limited to 75% of the total administration costs and 90% of the total services costs, respectively.)
7. Transfers are not allowed with ARRA Nutrition Program for the Elderly funds.
8. Area Agencies shall complete quarterly reports not later than seven (7) days following the end of each calendar quarter in such form as prescribed by NYSOFA.
9. Area Agencies must submit a final State Aid claim within ninety (90) days of the end of the program period.
10. The final State Aid claim must also include a completed addendum which indicates the number of meals provided under the Congregate and Home Delivered Meal portions of the program, respectively.
11. As with other NYSOFA programs budget modifications are required if a particular line item will be exceeded by 10% or \$1,000, whichever is greater.
12. Advance payments of 25% may be requested for the ARRA funds.
13. AAAs should use current Federal vouchering forms to request advance or reimbursement payments under the ARRA programs. Indicate at the top of the vouchering forms that you are claiming expenditures for a 'Miscellaneous' Program and enter ARRA Congregate or ARRA Home Delivered Nutrition, as appropriate.

While some of the items are more restrictive than procedures under our Title III-C-1 and Title III-C-2 programs, NYSOFA strongly suggests that AAAs utilize the ARRA funds to pay for the provision of Congregate and Home Delivered meals provided during 2009. With the infusion of the ARRA funding, AAAs who do not maintain waiting lists may experience some accrual of regular Title III-C funds. However, these funds may be used for all allowable and necessary nutrition program expenditures such as increasing Nutrition Education or Nutrition Counseling Services, purchase of needed equipment, opening or renovation of congregate sites, etc. In addition, regular Title III-C allocations may be transferred to Title III-B, allowing the expansion of needed Title III-B services or transferred between Title III-C subparts.

Finally, AAAs may carryover regular unexpended Title III-C funds. AAAs who manage carryover funds resulting from the addition of the

ARRA funds may spread the benefit of these carryover funds into one or more future years. This would allow AAAs to increase their client load and longer term meal provision, pay for additional staff hours or the addition of staff which will result in increased meal provision over time. AAAs which are concerned about adding ongoing costs to their programs may choose to fund non-recurring expenditures such as the purchase of equipment or purchase meals for emergency response, a.k.a. blizzard boxes. For additional programmatic suggestions please contact your assigned Aging Services Nutritionist.

Please share the information contained in this program instruction with your nutrition and other program directors, fiscal staff and any other appropriate parties as the only distribution of this is being made directly to the AAA Directors.

Area Agencies should send completed ARRA applications for funding by May 29, 2009 to:

New York State Office for the Aging
Division of Finance & Administration
Grants Administration Section
2 Empire State Plaza - 3rd floor
Albany, New York 122230-1251

If you have any questions regarding the American Recovery and Reinvestment Act - Nutrition Program for the Elderly Funding please contact your Grants Management Budget Specialist 2/Senior Accountant or Aging Services Nutritionist.



Michael J. Burgess
Director

Attachments (3)

NYSOFA/DFA/FIS/GAA

PROGRAMS AFFECTED:

<input type="checkbox"/> Title III-B	<input checked="" type="checkbox"/> Title III-C-1	<input checked="" type="checkbox"/> Title III-C-2
<input type="checkbox"/> Title III-D	<input type="checkbox"/> SNAP	<input type="checkbox"/> Energy
<input type="checkbox"/> Title III-E	<input type="checkbox"/> HIICAP	<input type="checkbox"/> LTCOP
<input type="checkbox"/> CSE		
<input type="checkbox"/> EISEP	<input type="checkbox"/> Title V	
<input type="checkbox"/> Cash-in-Lieu		
<input type="checkbox"/> Other:		

NEW YORK STATE OFFICE FOR THE AGING
 FFY 2009 AMERICAN RECOVERY AND REINVESTMENT ACT
 CONGREGATE NUTRITION SERVICES
 ALLOCATION SCHEDULE

PLANNING AND SERVICE AREA	PERCENT OF STATE ALLOCATION	
	FFY 2009 TITLE III-C-1 TENTATIVE ALLOCATION	CONGREGATE NUTRITION SERVICES ALLOCATION
ALBANY	1.376%	\$54,244
ALLEGANY	0.257%	10,125
BROOME	1.089%	42,921
CATTARAUGUS	0.404%	15,939
CAYUGA	0.417%	16,435
CHAUTAUQUA	0.775%	30,537
CHEMUNG	0.480%	18,918
CHENANGO	0.285%	11,217
CLINTON	0.371%	14,606
COLUMBIA	0.353%	13,905
CORTLAND	0.277%	10,917
DELAWARE	0.320%	12,620
DUTCHESS	1.114%	43,894
ERIE	5.307%	209,172
ESSEX	0.224%	8,840
FRANKLIN	0.273%	10,756
FULTON	0.324%	12,782
GENESEE	0.278%	10,945
GREENE	0.282%	11,099
HERKIMER	0.399%	15,734
JEFFERSON	0.466%	18,347
LEWIS	0.216%	8,493
LIVINGSTON	0.240%	9,463
MADISON	0.304%	11,997
MONROE	3.189%	125,688
MONTGOMERY	0.329%	12,963
NASSAU	6.038%	237,975
NIAGARA	1.130%	44,517
ONEIDA	1.307%	51,528
ONONDAGA	2.116%	83,390
ONTARIO	0.431%	16,983
ORANGE	1.245%	49,077
ORLEANS	0.216%	8,493
OSWEGO	0.524%	20,644
OTSEGO	0.320%	12,620
PUTNAM	0.312%	12,309
RENSSELAER	0.673%	26,541
ROCKLAND	1.167%	45,999
ST. LAWRENCE	0.561%	22,122
SARATOGA	0.744%	29,327
SCHENECTADY	0.759%	29,918
SCHOHARIE	0.216%	8,493
SCHUYLER	0.216%	8,493
SENECA	0.216%	8,493
STEBEN	0.521%	20,550
SUFFOLK	5.513%	217,295
SULLIVAN	0.430%	16,944
TIOGA	0.234%	9,215
TOMPKINS	0.300%	11,840
ULSTER	0.839%	33,067
WARREN/HAMILTON	0.441%	17,381
WASHINGTON	0.293%	11,528
WAYNE	0.413%	16,281
WESTCHESTER	4.324%	170,401
WYOMING	0.216%	8,493
YATES	0.216%	8,493
NEW YORK CITY	48.292%	1,903,336
SENECA INDIAN	0.216%	8,487
ST. REGIS MOHAWK	0.216%	8,493
TOTAL	100.000%	\$3,941,283

NEW YORK STATE OFFICE FOR THE AGING
 FFY 2009 AMERICAN RECOVERY AND REINVESTMENT ACT
 HOME DELIVERED NUTRITION SERVICES
 ALLOCATION SCHEDULE

PLANNING AND SERVICE AREA	PERCENT OF STATE ALLOCATION	
	FFY 2009 TITLE III-C-2 TENTATIVE ALLOCATION	HOME DELIVERED NUTRITION SERVICES ALLOCATION
ALBANY	1.366%	\$26,505
ALLEGANY	0.257%	4,987
BROOME	1.088%	21,111
CATTARAUGUS	0.404%	7,839
CAYUGA	0.417%	8,091
CHAUTAUQUA	0.774%	15,018
CHEMUNG	0.472%	9,158
CHENANGO	0.284%	5,511
CLINTON	0.370%	7,179
COLUMBIA	0.347%	6,733
CORTLAND	0.236%	4,579
DELAWARE	0.320%	6,209
DUTCHESS	1.113%	21,596
ERIE	5.222%	101,324
ESSEX	0.236%	4,579
FRANKLIN	0.258%	5,006
FULTON	0.319%	6,190
GENESEE	0.278%	5,394
GREENE	0.282%	5,472
HERKIMER	0.399%	7,742
JEFFERSON	0.465%	9,023
LEWIS	0.236%	4,579
LIVINGSTON	0.240%	4,657
MADISON	0.304%	5,899
MONROE	3.187%	61,838
MONTGOMERY	0.325%	6,306
NASSAU	6.035%	117,099
NIAGARA	1.129%	21,906
ONEIDA	1.307%	25,360
ONONDAGA	2.115%	41,038
ONTARIO	0.431%	8,363
ORANGE	1.245%	24,157
ORLEANS	0.236%	4,579
OSWEGO	0.523%	10,148
OTSEGO	0.320%	6,209
PUTNAM	0.312%	6,054
RENSSELAER	0.670%	13,000
ROCKLAND	1.167%	22,644
ST. LAWRENCE	0.561%	10,885
SARATOGA	0.744%	14,436
SCHENECTADY	0.756%	14,669
SCHOHARIE	0.236%	4,579
SCHUYLER	0.236%	4,579
SENECA	0.236%	4,579
STEUBEN	0.514%	9,973
SUFFOLK	5.511%	106,931
SULLIVAN	0.430%	8,343
TIOGA	0.236%	4,579
TOMPKINS	0.300%	5,821
ULSTER	0.839%	16,279
WARREN/HAMILTON	0.472%	9,158
WASHINGTON	0.292%	5,666
WAYNE	0.413%	8,014
WESTCHESTER	4.321%	83,841
WYOMING	0.236%	4,579
YATES	0.236%	4,579
NEW YORK CITY	48.269%	936,600
SENECA INDIAN	0.236%	4,573
ST. REGIS MOHAWK	0.236%	4,579
TOTAL	99.999%	\$1,940,324

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

*If this is the result of a grant award, also complete and submit
Form No. 5 or 6

DEPARTMENT NAME: Warren County Youth Bureau

DATE: April 29, 2009

(a) Purpose of Amendment: To amend Warren County Adopted Budget in revenues in the amount of \$4,000 and appropriations in the amount of \$1,600 from Alive @ 25%.

(b) Appropriation Code (with title), Object Code (with title) and Amount:
To be established 470 Contracts \$1,600

(c) Revenue Code (with title), and Amount:
To be established \$4,000*

Per Treasurer's Office, we can establish code numbers after county budget is amended.

*Additional revenue will be used for youth programs.

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

**Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.*

DEPARTMENT NAME: Warren County Planning and Community Development Department

DATE: April 23, 2009

(a) Purpose of Request:

The County Planning Department has completed the contractual requirements for the Quality Communities Phase II project and proposes to close the capital account associated with this project and return any unused funds to the general fund.

(b) Details:

The project is identified by capital project number H267.9500 280 Quality Communities Phase II.

(c) Previous Resolution Number:

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

**Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.*

DEPARTMENT NAME: Warren County Planning and Community Development Department

DATE: April 23, 2009

(a) Purpose of Request:

The County Planning Department has completed the contractual requirements for the NY State Archives GIS Software project and proposes to close the capital account associated with this project and return any unused funds to the general fund.

(b) Details:

The project is identified by capital project number H268.9550 280 GIS Software.

(c) Previous Resolution Number:

RESOLUTION REQUEST FORM NO. 7

*Request to Amend County Budget**

**If this is the result of a grant award, also complete and submit Form No. 5 or 6*

DEPARTMENT NAME: Public Works

DATE: 4/24/09

- (a) Purpose of Amendment: To raise both sides of the budget due to increase in Chips funding

- (b) Appropriation Code (with title), Object Code (with title) and Amount: D.5112 8028 280 - Garnet Lake Road - CR#72 - \$50,000.00, D.5112 8105 280 - Schroon River Road - CR#10 - \$50,000.00, D.5112 8115 280 - North Bolton Road - CR#41 - \$78,078.00

- (c) Revenue Code (with title), and Amount: D.3501 County Road - Consolidated Highway Aid - \$178,078.00

RESOLUTION REQUEST FORM NO. 8

*Request to Establish Capital Project or Capital Reserve Project**

**If this is the result of a grant award, also complete and submit Form No. 5 or 6*

DEPARTMENT NAME: DPW

DATE: 4-28-09

- (a) Exact Title and Number of Project (must be obtained from Treasurer's Office): Fuel System Upgrades, Repair, and Replacement - H300.9550 280
- (b) Is this a Capital Project? Yes
- (c) Is this a Capital Reserve Project?
- (d) Amount of Project: \$350,000
- (e) Source of Funding (including name & title of codes, etc.):
\$350,000 - Transfers - Capital Projects
- (f) Purpose of Establishment: Upgrades, repairs and replacements of fuel system components at the County's eight (8) motor fueling sites.

RESOLUTION REQUEST FORM NO. 3

Request for New Contract

DEPARTMENT NAME:

BOARD OF ELECTIONS

DATE: 04/30/09

(a) Is this a Result of a Bid or Request for Proposal?
NO

(b) Purpose of Contract:

To pay for already rendered services out of the scope of existing contract.

(c) Name of Contractor:

NTS Data Services, LLC

(d) Address of Contractor:

1342 Military Rd.
Niagara Falls, NY 14304

(e) Contractor's Contact Person and Telephone Number:

John Jennings 1 800 458-3820

(f) Has or will the Contract be provided, if so, please attach:

Provided poll books for Special Election of March 31, 2009

(g) Commencement Date of Contract:

date of execution

(h) Termination Date of Contract:

date of payment

(i) Payment Provisions: i) lump sum amount

ii) hourly rate amount

iii) total amount not to exceed

iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.

(j) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: OR Capital Project OR Capital Reserve Project Number, Title, and Amount:

\$1,830.37

1450-439

NTS Data Services, LLC
 1342 Military Rd
 Niagara Falls, NY 14304

(800)255-0670
 shaskell@ntsdata.com



Invoice

DATE	INVOICE #
03/24/2009	15438
TERMS	DUE DATE
Net 30 Days	04/23/2009

BILL TO
 Warren County Board of Elections
 WARREN COUNTY MUNICIPAL CTR
 1340 STATE RTE 9
 LAKE GEORGE, NY 12845

Activity	Quantity	Rate	Amount
• Special Election 03/31/09			
• Poll Books/Registered Voter Count	42359	0.0422	1,787.55
• Shipping and Handling- 2 Boxes via UPS Ground	1	42.82	42.82
TOTAL			\$1,830.37

WARREN COUNTY
 BOARD OF ELECTIONS
 2009 MAR 30 AM 9:54

Thank you for the opportunity to be of service.

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

**If this is the result of a grant award, also complete and submit Form No. 5 or 6*

DEPARTMENT NAME: STOP-DWI

DATE: April 17, 2009

- (a) Purpose of Amendment: Increase both sides of budget

- (b) Appropriation Code, Object Code, Full Title and Amount: A.3110 260 - Sheriff's Office - Other Equipment \$3,080

Sample: A.1010 470 Legislative Board – Contract

- (c) Revenue Code (with title), and Amount: A.889 STOP-DWI Revenues \$3,080

Sample: A. 6417.2654 Tourism Occupancy – Minor Sales – Tourism

*Please note all amount must be in whole dollars – no cents.

Warren County Board of Supervisors

RESOLUTION NO. 309 OF 2009

Resolution introduced by Bentley, Kenny, Belden, O'Connor, Stec and Tessier

**AUTHORIZING THE PURCHASE, INSTALLATION
AND TRANSFER OF AN ON-BOARD CAMERA TO THE CITY OF
GLENS FALLS POLICE DEPARTMENT FOR ITS STOP-DWI
PROGRAM - TRAFFIC SAFETY**

WHEREAS, the Traffic Safety Board has approved the use of STOP-DWI funds for the purchase and installation of an on-board camera for the City of Glens Falls Police Department to use in its STOP-DWI vehicle in an amount not to exceed Three Thousand Three Hundred Fifty Dollars (\$3,350) for the purchase of the camera and an amount not to exceed Nine Hundred Fifty (\$950) for installation, and has further approved the immediate transfer of the on-board camera to the City of Glens Falls Police Department, now, therefore, be it

RESOLVED, that the Chairman of the Warren County Board of Supervisors be, and hereby is, authorized to execute any and all necessary documents necessary for the purchase and installation of an on-board camera in the City of Glens Falls Police Department's STOP-DWI vehicle in an amount not to exceed in an amount not to exceed Three Thousand Three Hundred Fifty Dollars (\$3,350) for the purchase of the camera and an amount not to exceed Nine Hundred Fifty (\$950) for the installation, in a form approved by the County Attorney, and be it further

RESOLVED, that the funds for the purchase of the camera shall be expended from Code A.3311 250 STOP-DWI - Technical Equipment and the funds for the installation of the camera shall be expended from Code A.3311 441 - STOP-DWI - Automotive Supplies & Maintenance, and be it further

RESOLVED, that the Chairman of the Board of Supervisors be, and hereby is, further authorized to execute any and all necessary documents to transfer the camera to the City of Glens Falls Police Department as approved by the Traffic Safety Board.

A G E N D A
PERSONNEL COMMITTEE
MAY 6, 2009

1) Referral from the Human Services Committee:

Office for the Aging:

Request to fill the vacant position of Meal Site Manager, base salary of \$22,897, Grade 2, Employee No. 6726, due to retirement. The Notice of Intent to Fill Vacant Position is attached.

2) Referral from the County Treasurer:

Request to fill the vacant position of Senior Account Clerk, base salary of \$28,041, Grade 7, Employee No. 10928, due to resignation. The Notice of Intent to Fill Vacant Position is attached.

3) Referrals from the Social Services Committee:

A) Request to fill the vacant position of Social Welfare Examiner, base salary of \$29,199, Grade 8, Employee No. 10005, due to retirement. The Notice of Intent to Fill Vacant Position is attached.

B) Reclassifying the position of Director of Administrative Services to the position of Director of Case Management Services, base salary of \$61,242, Employee No. 1241 and deleting the position of Director of Administrative Services, base salary of \$61,242, Employee No. 1241; thereby amending the Department's Table of Organization.

4) Referrals from the Traffic Safety Board:

A) Creating the position of part-time STOP-DWI Coordinator, Traffic Safety Board Executive Secretary, up to 19 hours per week, annual base salary of \$31,200 and deleting the position of STOP-DWI Coordinator, base salary of \$4,848, effective January 1, 2010; thereby amending the Table of Organization.

B) Request to fill the vacant position of part-time STOP-DWI Coordinator, Traffic Safety Board Executive Secretary, up to 19 hours per week, annual base salary of \$31,200, due to creation. The Notice of Intent to Fill Vacant Position is attached.

5) The Commissioners of the Board of Elections have requested permission to address the Committee.

Points for Discussion

OFA for Finance Committee Meeting 5/6/09

The American Recovery and Reinvestment Act (ARRA) is a temporary two- year grant. It is to be used to fund congregate and home- delivered meals and may not be used to buy equipment. The initial grant period is 3/18/09-12/31/09 and the application must be received by NYSOFA by May 30, 2009. The allocation is \$ 26,539 and it has a 75% federal- 25% local share. It would be distributed between Warren and Hamilton County as the regular IIIC Nutrition funds are:

A6773 Warren County	Federal Share \$ 14,530.11
	Local Share \$ 4,843.37
A6771 Hamilton County	Federal Share \$ 5,674.14
	Local Share \$ 1,791.38

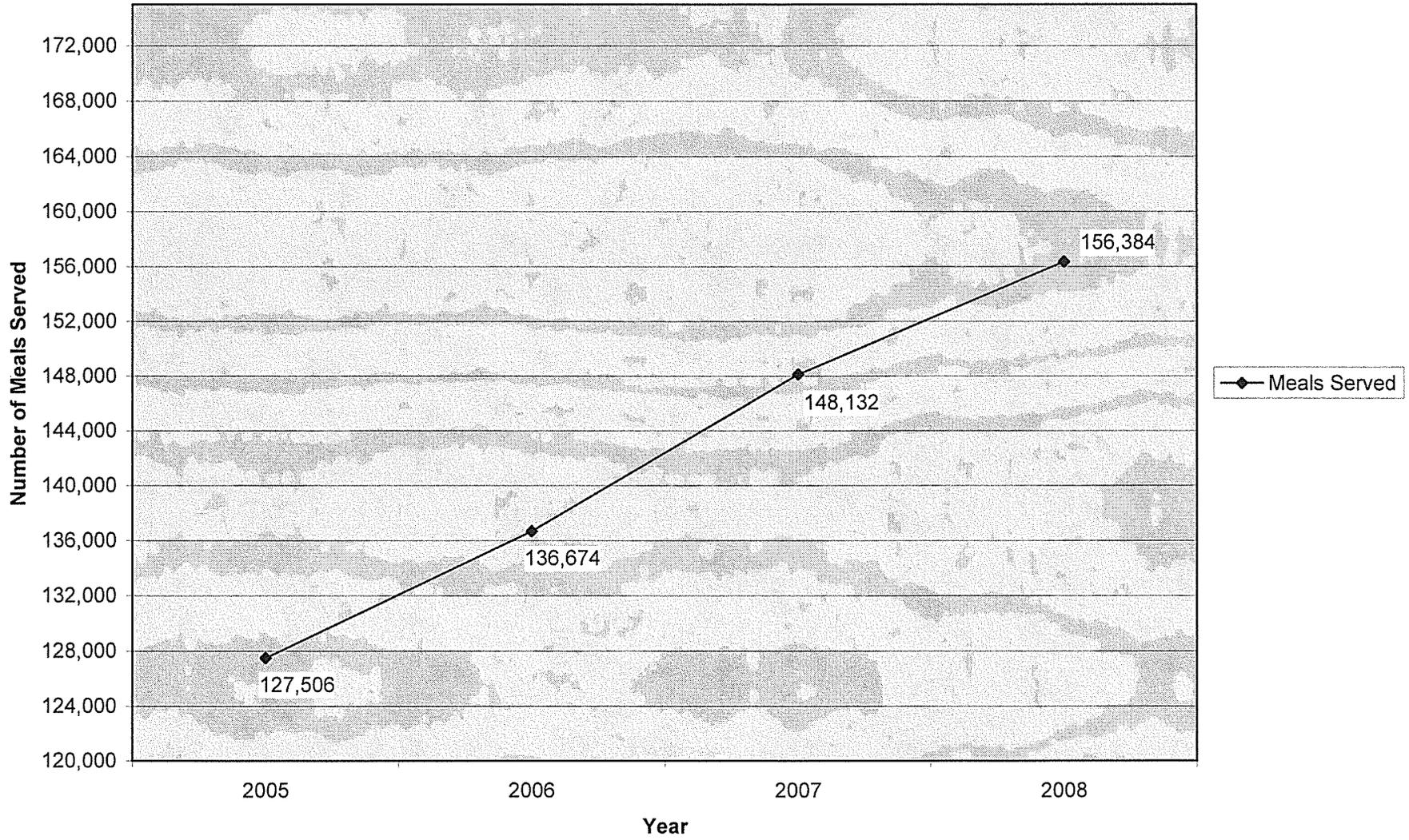
A.6773 Warren County (Non- SNAP) meal sites

- Chestertown
- Cedars
- Lake Luzerne
- Warrensburg

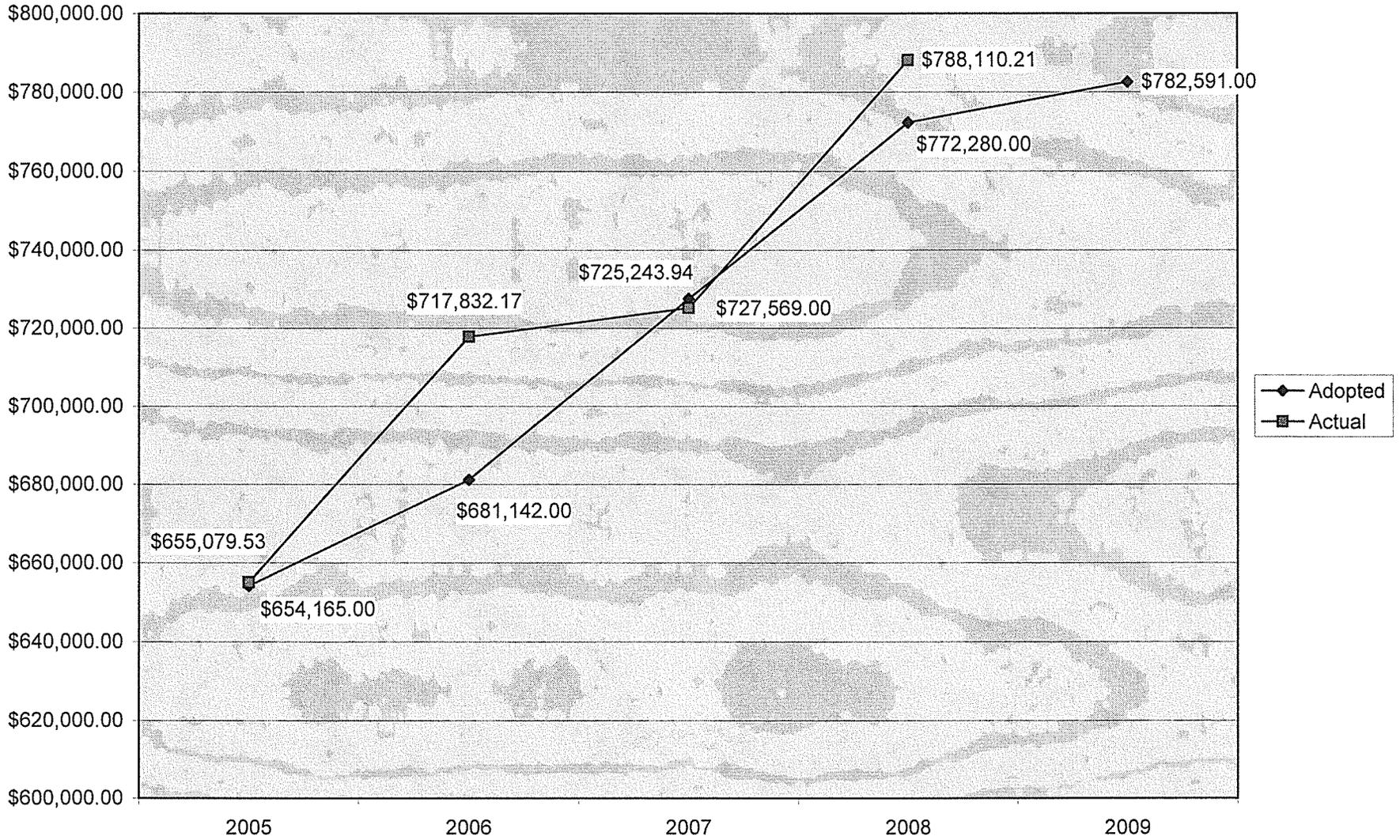
2008 Actual Expenses	\$ 788,110.21	2008 1 st Qtr Meals Served	37,852
2009 Adopted Budget	\$ 782,591.00	2009 1 st Qtr Meals Served	40,186
Difference	\$ (5,519.21)	Difference	2,334

- 1) Year- end 2008 we requested 48K from the Contingent fund for Warren County meal sites to cover Special Project Supply (3K), Travel (15K) and Foods (30K)
- 2) We were able to utilize \$ 7,155 in Registered Dietician funds in 2008 as we did not hire one in Warren County until mid- year (the longest we could wait as they are required by NYSOFA). These funds will not be available in 2009.
- 3) Our largest expense is food and it comprises 53% of the A6773 budget (after excluding salaries). 2009 Adopted Budget for food is \$175,000; the 2008 expenditure was \$195,875.61
- 4) NYSOFA has mandated that ARRA funds be expended BEFORE regular Title IIIC funds. If we did not expend our IIIC allocation those funds will carry- over.

Warren County Meal Sites (NON- SNAP)



A6773 Nutrition Program- Warren County (NON- SNAP)





February 23, 2009

Mr. Jeff Tennyson
Warren County Department of Public Works
4028 Main Street
Warrensburg, NY 12885

**RE: ARCHITECTURAL/ENGINEERING CONSULTING SERVICES
WESTMOUNT HEALTH FACILITY
Sprinkler Conceptual Study**

Dear Jeff,

As requested by Warren County Public Works Department, Clark Patterson Lee is submitting our proposal for preparation of a Conceptual Study Report for providing sprinkler coverage thru-out the existing Westmount Health Facility Building. Per our walk-thru on October 14, 2008 with you, Barbara Taggart and Skip Bessaw, the County has been cited by the NYS Department of Health for coverage of sprinklers. By Year 2013, the entire building needs to be sprinklered thru-out.

Jennifer Wengender had an additional meeting with Barbara and Skip and walked the building to get a preliminary evaluation of system needs to begin the Conceptual study and to better assess CPL fee requirements.

Activities to be included as part of the Clark Patterson scope of work for this Conceptual Study Report:

1. Field visits to review existing conditions and meeting with Administration to discuss preferred phasing and anticipated impact to facility during construction. Review above-ceiling conditions, fire alarm system, and review present sprinkler system (plumbing and architectural disciplines): 24 hours (completed; includes time from Jon Norris, John Martin and Jennifer Wengender).
2. Obtain utility information, review service entrance size, and pressure/flow rate: 2 hours
3. Prepare code review requirements for sprinklers per NYSDOH, NYS Building Code, and NFPA. Review need for sprinkler requirement for Co-Gen Facility: 4 hours
4. Prepare conceptual scope of work (in conjunction with all disciplines). Include in write-up existing conditions of facility and existing sprinkler system, and existing building systems that will interface with required sprinkler system: 8 hours
5. Prepare conceptual budgetary cost estimate for, design, construction, construction services and contingencies: 4 hours
6. Meeting with Clark Patterson and County DPW to review report: 8 hours

Scope of services not included in this proposal, but to be included in future design phase proposal to include:

- a. Field dimensioning beyond what is required for conceptual study
- b. Utility survey information gathering
- c. Hazard survey investigations
- d. Investigative demolition to be provided by County
- e. Preparing conceptual base plans on CAD for preliminary sign off by owner:
- f. Coordination with other disciplines (civil, architectural, mechanical, electrical) for design components:
- g. Prepare final bid documents showing sprinklers, piping and additional associated work (i.e. design of new soffits, fire alarm upgrades, addressing of fire/smoke penetrations, etc.);
- h. Department of Health application and engineering report for Cross Connection Control.
- i. Bidding and Construction Administration services.

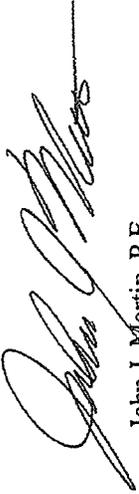
540 Broadway
3rd Floor, Suite 3B
Albany, NY 12207
clarkpatterson.com
518.463.4107 TEL
518.463.3823 FAX



Mr. Jeff Tennyson
February 23, 2009
Page 2

Our fee proposal to complete the work as described is \$5,000. Scope of services and findings to be gathered in an 8-1/2" x 11" report form for the County. The report will be completed by CPL 45 days following Notice to Proceed. We thank you for your request. If you have any questions, please contact me.

Very truly yours,
CLARK PATTERSON LEE



John J. Martin, P.E.
Senior Vice President

RESOLUTION REQUEST FORM NO. 5

Request to Apply for a Grant Application and Grant Agreement

DEPARTMENT NAME: **Office for the Aging**

DATE: **May 4, 2009**

- (a) Purpose of Grant: To obtain American Recovery and Reinvestment Act -- Nutrition Program Funding
- (b) Name of Grantor: .NYS Office for the Aging
- (c) Address of Grantor: **2 Empire State Plaza, Albany, NY**
- (d) Grantor's Contact Person and Telephone Number: Mike Asencio (518) 473-4130
- (e) Has or Will the Grant Application or Grant Agreement be provided, if so, Please Attach? See Attached
- (f) Effective Date of Grant: 3/18/09
- (g) Termination Date of Grant: 12/31/09
- (h) Total Dollar Amount Involved (not to exceed): \$ 26, 539
- (i) Deadline to Submit Grant Application and/or Grant Agreement: 5/29/09
- (j) Is Budget amendment required? YES If yes, also complete and submit Form No. 7.
- (k) Are the funds to go into a Capital Project or Capital Reserve Project? no
If yes, also complete and submit Form No. 8 or Form No. 9, as applicable.
- (l) Is a Local Share Required? YES If Yes, where are the Funds? List Budget Code (with Title), Object Code (with title), and Amount **OR** Capital Project **OR** Capital Reserve Project Number and Title and Amount: A. 1990 469 Contingent Fund \$ 4,843.37

**New York State Office for the Aging
American Recovery and Reinvestment Act
Nutrition Program for the Elderly
March 18, 2009 to December 31, 2009**

Instructions: Please submit a completed application with original signature and one copy to:

New York State Office for the Aging
Division of Finance and Administration
Grants Administration Section
2 Empire State Plaza – 3rd floor
Albany, NY 12223-1251

Area Agency: _____

Director: _____

Address: _____

_____ Zip: _____

Phone: () _____

Contact person: _____

Phone: () _____

The Area Agency on Aging (AAA), as grantee, understands that this Grant Agreement represents the completed grant application of the AAA, as approved by the New York State Office For Aging (NYSOFA), and the AAA agrees to comply with New York State and Federal laws and regulations that are applicable to this Grant Agreement and to comply with the attached Standard Assurances that govern the AAA's use of grant funds for the activities funded under this grant.

Name of person authorized to enter into agreement
with the New York State Office for the Aging

Title: _____

Signature of Authorized Person

Date: _____

**New York State Office for the Aging
American Recovery and Reinvestment Act
Nutrition Program for the Elderly**

STANDARD ASSURANCES

- 1) Area Agencies must expend these funds to increase the provision of Congregate and Home Delivered meals that meet the Older American's Act Nutrition Program for the Elderly regulations and program standards. Another major focus of the ARRA funds, where possible, should be Nutrition Program for the Elderly job creation. Expenditures for Access and Supportive Services should be made through the Older American's Act funding for III-B and III-C as appropriate.
- 2) Federal Area Plan Administration will be limited to 10% of the total Federal funds under this program.
- 3) The purchase of equipment will not be allowed with these ARRA funds.
- 4) Local matching funds must be provided in an amount equal to at least 25% of the total administration costs and a minimum of 10% of the total services costs (i.e., Federal funds will be limited to 75% of the total administration costs and 90% of the total services costs, respectively.)
- 5) Transfers are not allowed with ARRA Nutrition Program for the Elderly funds.
- 6) Area Agencies shall complete quarterly reports not later than seven (7) days following the end of each calendar quarter in such form as prescribed by NYSOFA.
- 7) Area Agencies must submit a final State Aid claim within ninety (90) days of the end of the program period. Closeout claims must include a Final Accounting Statement which indicates the amount of funds spent on Area Plan Administration under this program.
- 8) The final State Aid claim must also include a completed addendum which indicates the number of meals provided under the Congregate and Home Delivered Meal portions of the program, respectively.

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

***If this is the result of a grant award, also complete and submit Form No. 5 or 6.**

DEPARTMENT NAME: **Office for the Aging**

DATE: **May 4, 2009**

- (a) Purpose of Amendment: To increase the budget in order to add funds allocated to OFA by American Recovery and Reinvestment Act
- (b) Appropriation Code (with title), Object Code (with title) and Amount:
A.6771 445 (General, Nutri. For Elderly-Ham.Co. - Foods) \$7,165.52 and
A.6773 445 (General, Nutrit. For Elderly-War.Co. - Foods) \$ 19,373.48
- (c) Revenue Code (with title), and Amount: **A.6771 4771 (General, Nutri. For Elderly-Ham.Co. - Nutrition IIIC Ham Co.) \$ 5,374.14 , A.6771 2071 (General, Nutri. For Elderly-Ham.Co. - Hamilton Co. Share III C) \$ 1,791.38, A.6773 4773 (General, Nutrit. For Elderly-War.Co. - Nutrit Prog for Eld IIIC-1) \$ 14,530.11 A. 1990 469 Contingent Fund \$ 4,843.37**

Sady, Joan

From: Frederick H. Monroe, Spvr, Town of Chester, Chestertown NY [fmonroe@nycap.rr.com]
Sent: Tuesday, May 05, 2009 3:38 PM
To: Payne, Hal; Sady, Joan
Subject: FW: Seeking Warren County Leadership and Support for Fiscal Responsibility: Save our Lever Voting System
Attachments: Warren County2.pdf

Hal & Joan,

Please add top agenda for Finance and copy for committee.

Thanks Fred

From: Andi Novick [mailto:anditnovick@gmail.com]
Sent: Thursday, April 30, 2009 5:51 PM
To: monroef@co.warren.ny.us
Subject: Seeking Warren County Leadership and Support for Fiscal Responsibility: Save our Lever Voting System

Dear Fred,

Please speaking with you today. Attached is the letter to the supervisors (updated). The first endnote includes links to all the resolutions, but if you want Essex County's text, as we said, Dan Manning has that and I will hopefully get a copy Monday afternoon. I know you need this in time for your Legislative committee meeting this Wednesday and I will send you copy of that text, assuming I get it before your Wed. meeting (unless you get it sooner).

Please let me know about the 100 year old lever machine you mentioned. Professor Pfaffenberger would travel any distance to write it up I'm sure. I hope the school is taking good care of it. It's an antique that still works!

Here's the Greene County Text, at the bottom of this email, which I'd included on a recent press release that you might find interesting. Pennsylvania wants their levers back!

Thank you

Andrea T. Novick, Esq.
Finder Novick Kerrigan LLP
Rhinebeck office
349 Ackert Hook Rd.
Rhinebeck, New York 12572
(telephone fax) 845 876 2359

Fool Me Once: Greene County Joins Growing List of New Yorkers Who Won't Get Fooled

5/5/2009

Again

Rhinebeck, N.Y. - When New York's Election Reform and Modernization Act (ERMA) of 2005 was enacted, New York's lever voting system complied with all but one requirement of the Help America Vote Act (HAVA): accessibility. But in 2008 New York satisfied that requirement by installing ballot marking devices (BMDs) in every polling site. On April 13, 2009 Greene County became the 5th county to pass a unanimous resolution in support of retaining our lever voting machines recognizing that, "because New York has installed ballot marking devices for voting by disabled persons.... the State's statutory required elimination of lever machines through ERMA is no longer necessary." Coincidentally on April 13, 2009 Pennsylvania State Representative James Casorio, Jr. issued a press release seeking permission for Pennsylvania to return to its lever voting system. Greene County is trying to avoid what Pennsylvania learned the hard way. Lever voting machines are reliable, accurate and affordable: electronic computerized voting machines are none of the above.

Andrea Novick, legal counsel for the election integrity group Election Transparency Coalition NY, explained:

"New Yorkers who fail to learn Pennsylvania's history will be doomed to repeat it. The similarities are significant. In 2005 some Pennsylvanians, insisting that HAVA did not ban levers, were getting in the way of the State's plan to replace all its levers with computers. Counsel for the State of Pennsylvania sought the Election Assistance Commission's (EAC) 'assistance', hoping to put an end to the media's reporting that levers could be HAVA-compliant. The EAC agreed with the state of Pennsylvania's self-serving argument that notwithstanding the federal statute's *express inclusion of lever voting systems*, HAVA should nonetheless be construed as banning levers under all circumstances. It is not surprising that this thoroughly discredited federal agency would issue such a specious interpretation."

The EAC's opinion does not have the force of law. It is an opinion which the State of Pennsylvania could choose to adopt or ignore. "As you can see in the letter to the EAC, Pennsylvania wanted to replace its levers so of course it treated the EAC's interpretation as definitive. Reasonable minds will disagree," said Election Transparency Coalition's Director Joanne Lukacher. In 2004 New York State Board of Election Commissioner and Co-chair Douglas Kellner agreed that HAVA did not ban levers. Referring to HAVA's standards for voting machines, Commissioner Kellner testified before the NYC Voter Assistance Commission that "Our lever machines satisfy all but one of those standards, that there be at least one machine at each poll site that is 'accessible for individuals with disabilities'."

Joining the counties of Dutchess, Columbia, Ulster and Schulyer, along with the state-wide Association of Towns, Greene County passed a resolution finding:

[O]ur lever machines now comply with ...HAVA because New York installed ballot marking devices for voting by disabled persons.

[U]nlike optical scan computers, our time-proved lever machines can be relied upon to accurately count votes as cast and cost far less.

[T]he State's... elimination of lever machines ... is inappropriate, and exorbitantly costly to Greene County tax payers.

The press release issued by PA Representative Casorio found:

Both voters and poll workers continue to express frustration with the mandated electronic machines ... [which] make many voters less secure in the belief that their vote is being counted and counted accurately.

[T]he electronic voting machine mandate by HAVA forced many counties in Pennsylvania to spend thousands of extra dollars ... while functioning, accurate lever machines were still available.

“Fool us once. We won’t get fooled again,” says the Election Transparency Coalition’s counsel. “We support Representative Casorio’s efforts to bring back their levers, but note that he’s still operating under the misconception that HAVA forced the counties to surrender their levers. That misunderstanding was cultivated by his own State working in concert with the same EAC that consistently protects vendors over voters and fallacy over facts. HAVA never banned levers nor has any court ever ruled that the language of the statute should simply be ignored as if it doesn’t exist. That’s why we will be seeking relief from New York State’s law, which is what is forcing us to replace our observable, secure lever machines with hidden, exploitable software-driven machines.”

The Election Transparency Coalition has prepared litigation to have concealed and unreliable computerized vote counting declared unconstitutional in New York. Almost 2,000 New Yorkers have signed a petition in support. The Election Transparency Coalition is hoping to commence this litigation as a joint effort of citizens and their county governments working together to resist the fate of Pennsylvania.

Citations to information provided in the Press Release: Fool Me Once: Greene County Joins Growing List of New Yorkers Who Won’t Get Fooled Again

Commissioner Kellner’s testimony can be found at: 12/7/04
<http://www.wheresthepaper.org/TESTIMONYOFDOUGLASAKELLNER.htm>

The Greene County Resolution was unanimously passed Monday evening, 4/13/09 and a copy of the text is reprinted at the end of this document.

Links for the **Resolutions from the other counties and the Association of Towns** can be found at:

<http://sites.google.com/site/remediaetc/home/documents/DutchessLeverRes.pdf>

http://sites.google.com/site/remediaetc/home/documents/ColumbiaCtyLeverResoFeb12_09.pdf

<http://sites.google.com/site/remediaetc/home/documents/SchuylerResolutionNo80-1.pdf>

<http://sites.google.com/site/remediaetc/home/documents/UlsterReso.pdf>

<http://sites.google.com/site/remediaetc/home/documents/AoTLeverResolution.pdf>

The 4/13/09 Press Release issued by PA Representative Casorio can be found at:

<http://www.pahouse.com/PR/056041309.asp>

Last month this article was published in the Brad Blog, [The EAC Lied, Lever Voting Machines \(Almost\) Died](http://www.bradblog.com/?p=6956), <http://www.bradblog.com/?p=6956>, "*EAC Altered Report On 'Voter Fraud'*".

It contains links to the various documents referred to in this press release and provides a fuller picture of

the problem with the EAC and the way in which Pennsylvania lost its lever machines is particularly relevant to New York. Contained therein are links to the EAC advisory and the legal memo of Andrea Novick, Esq. in response.

The 2007 Washington Post report regarding the Election Assistance Commission's whitewashing of a report: *A Rigged Report on US Voting*, can be found at: <http://www.washingtonpost.com/wp-dyn/content/article/2007/08/29/AR2007082901928.html>. *"This is not the way an institution created to promote democracy should function...It should not be in the business of suppressing information or ideas...this agency's structure and procedures need to be seriously reexamined in light of this episode."*

The 2007 New York Times report on the EAC's misconduct can be found at: <http://www.nytimes.com/2007/04/11/washington/11voters.html?ex=1334030400&en=cba2ba0f1aeb218f&ei=5124&partner=permalink&exprod=permalink>

Pennsylvania's woes since surrendering their levers for computerized voting machines:

The 2005 letter from Pennsylvania's Department of State's counsel to the Election Assistance Commission (EAC), can be found at: <http://moritzlaw.osu.edu/electionlaw/litigation/documents/vansickleexhibitg.pdf>

How did the EAC "assist" Pennsylvania's voters? By adopting the State of Pennsylvania's fallacious anti-lever interpretation, Pennsylvania was able to saddle its citizens with unreliable computerized voting systems which have kept them embroiled in litigation ever since. In 2006 citizens sued PA to decertify these machines. In April 2007, the voters succeeded in obtaining a court ruling permitting them to challenge the use of these new voting computers "that provide no way for Electors to know whether their votes will be recognized."

http://www.votetrustusa.org/index.php?option=com_content&task=view&id=2377&Itemid=113

In March, 2009, in separate litigation regarding electronic equipment sold by one of the vendors, a Pennsylvania court ruled that the County could not recover for the costs of the voting equipment that had been decertified, rejecting the County's claims that the vendor was responsible for its equipment's failure to comply with state specifications.

http://www.sharonherald.com/local/local_story_078221019.html:

"The counties, in the end, are always caught holding the bag."

Greene County Resolution

Greene County Resolution to Keep Lever Voting Machines

Whereas, Greene County has successfully used highly accurate lever voting machines for many decades with very few problems and wants to continue using them, and

Whereas, Greene County believes that continued use of lever voting machines is in the best interest of the public, that unlike optical scan computers, our time-proved lever machines can be relied upon to accurately count votes as cast and cost far less, and

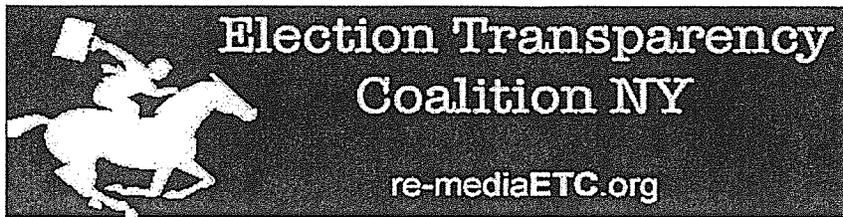
Whereas, our lever machines now comply with the Help America Vote Act (HAVA) because New York has installed ballot marking devices for voting by disabled persons, and

Whereas, New York State's enactment of the Election Reform and Modernization Act of 2005 (ERMA) predates installation of the ballot marking devices for disabled-person voting and New York now complies with HAVA, and

Whereas, the State's statutorily required elimination of lever machines through ERMA is no longer necessary, is inappropriate, and exorbitantly costly to Greene County tax payers, therefore be it

Resolved, that the Greene County Legislature hereby requests the New York State Legislature and the New York State Board of Elections to enact laws, rules, and regulations that specifically authorize continued use of our lever voting machines, and

Be It Further Resolved, that a copy of this resolution be forwarded to Governor David Paterson; New York State Senators James Seward, Malcolm Smith, and Dean Skelos; New York State Assembly Members Peter Lopez and Timothy Gordon; Co-Executive Directors of the New York State Board of Elections Todd Valentine and Stanley Zalen; New York State Board of Elections Commissioners James Walsh, Douglas Kellner, Evelyn Aquila, and Gregory Peterson; and Greene County Elections Commissioners Frank DeBenedictis and Thomas Burke.



Joanne Lukacher, Director,
Joanne@re-mediaetc.org
(845) 337 4855

Andrea Novick, Legal Counsel,
anovick@fnklaw.com
(845) 876 2359

April 30, 2009

Re: Seeking County Leadership & Support for Fiscal Responsibility: Save our Lever Voting System

Dear Mr. Monroe and the Warren County Board of Supervisors,

I am writing to urge you to consider joining the growing movement of counties who recognize transitioning to a budget-breaking computerized electoral system at this time of economic crisis is not in the best interests of the public. The Association of Towns as well as Dutchess, Ulster, Columbia, Schuyler and Greene counties have all passed resolutions in support of retaining our lever machines.¹ I am hoping your county will also pass a resolution to retain the lever voting machines.

Now that we have ballot marking devices (BMDs) in every poll site, our combined lever/BMD system is HAVA-compliant.² It is the State's Election Reform and Modernization Act (ERMA) which requires the replacement of our levers; not HAVA.

New York's counties and towns have been left holding the bag for what is now recognized as HAVA's unfunded mandate. The monies spent to date may have come out of HAVA funds, but the annual costs of computerized elections greatly exceeds the federal monies. Across the nation, counties are finding the excessive costs associated with computerized elections unaffordable.³ As documented in the endnotes, counties are at the mercy of vendors who exploit that dependence⁴ forcing them to keep up with ever-escalating price increases, none of which is covered by HAVA. Counties are expected to find the money, notwithstanding the deficits throughout the State and the country. Local governments should not have to choose between essential services or financing a costly voting system we don't need and don't want.

Even if we weren't in this financial crisis, abandoning a functioning reliable system for substandard machines that will cause the cost of elections to skyrocket, is irresponsible. "Voting system vendors are taking billions of tax-payer dollars and, in return, giving us inaccurate, inaccessible, unauditible, unreliable voting equipment that counts our votes in secret."⁵

Please consider the evidence and these compelling reasons for staying with our now HAVA-compliant lever voting system. The unbridled costs and associated headaches of conducting a full optical scan election⁶ pale in comparison to the existing problems of having to prepare both the lever machines and BMDs for elections. Counties can work towards better performance of their BMDs for citizens with special needs, but the concomitant nightmares that have been the experience of the nation using software systems should be contained to the number who need the software to *create* ballots and not be compounded by actually using that software to *count* ballots.

Unlike our reliable lever machines, software-based machines are so undependable ERMA requires a second manual count of ballots after the election is over.⁷ That's a dual system: a machine count on election night and hand counts for weeks (months?) thereafter.

Conversion to a software-based counting system is a bottomless hole sucking up taxpayers' dollars:

- a) The expense of computerized voting systems is exorbitant and will increase annually, with legislators dependant on the vendors' whims.⁸ With our lever machines we have certainty and that has allowed us to control our budgets in a manageable and affordable manner.
- b) Certification is a deception and is forever. The State seeks to certify these voting systems as if that will make them safe for use, but the entire scientific community agrees certified software can be undetectably hacked just as well as an uncertified system.⁹ Like every good Ponzi scheme, this one requires the constant infusion of millions towards the never ending cycle of recertification every few years, all in pursuit of an unattainable illusion of a more secure system.¹⁰
- c) Because certified software-based systems are in fact unsafe and vulnerable to undetectable exploitation, they necessitate extensive hand counting in an effort to verify the unreliable machine count. ERMA requires that the counties commence hand counting an increasingly large number of ballots after the election is over; another expense for taxpayers that is unquantified and has no ceiling. There is a potential for a 100% hand count in any election.¹¹

The State Board of Elections (SBoE) was only supposed to approve a software-based system if it could certify it as safe. Not only has it been proven that from a security and reliability perspective this is "not possible",¹² but we also know the equipment being sold is shoddily made.¹³ SBoE Commissioner Kellner has said, "[T]he voting industry sells crap. And that's the problem."¹⁴ SBoE Commissioner Peterson has repeatedly spoken in favor of our lever machines, noting the obvious, "If you have something that works and something that doesn't work, I vote for the thing that works."¹⁵

And yet the State to date has ignored the evidence, proceeding down a path that will harm democracy and add to our rising deficits. Rational leadership is needed at this critical moment, which is what we are looking to our local governments to provide. If the State won't repeal ERMA, county governments, county boards of election and citizens can together commence litigation seeking to declare ERMA unconstitutional.¹⁶ A finding of unconstitutionality on any of the myriad grounds described in the litigation synopsis referenced at endnote 16 would render the State's agreement to comply with ERMA in the Federal action null and void.¹⁷

Please feel free to contact me with any questions. I hope you will consider your county's passing a resolution and participating in the litigation.

Sincerely,

Andrea T. Novick, Esq.

Founder and legal counsel to The **Re-Media Election Transparency Coalition**, <http://www.re-mediaetc.org/>, on behalf of the more than 2,000 New Yorkers to date who have signed this petition, http://electiondefensealliance.org/save_ny_levers, and the growing coalition of organizations, who have joined with their counties and towns to save our lever voting system.

cc Commissioner Casey
Commissioner Montfort

1. With the exception of a lone vote in Columbia, these resolutions were passed unanimously by these counties: <http://sites.google.com/site/remediaetc/home/documents/DutchessLeverRes.pdf>, http://sites.google.com/site/remediaetc/home/documents/ColumbiaCtyLeverResoFeb12_09.pdf, <http://sites.google.com/site/remediaetc/home/documents/UlsterReso.pdf>, <http://sites.google.com/site/remediaetc/home/documents/AoTLeverResolution.pdf>, <http://sites.google.com/site/remediaetc/home/documents/SchuylerResolutionNo80-1.pdf>, <http://sites.google.com/site/remediaetc/home/documents/GreeneCountyLeverResolution.pdf>

2. **HAVA** Section 301(a)(1)(A) expressly **states** that so long as: “the voting system (**including any lever voting system**, optical scanning voting system, or direct recording electronic system) shall...” comply with five federal standards, the system is HAVA-compliant. (Emphasis supplied)

As SBoE Commissioner Kellner testified to the NYC Voter Assistance Commission on 12/7/04:

"The federal Help America Vote Act “sets minimum standards for voting machines. **Our lever machines satisfy all but one of those standards, that there be at least one machine at each poll site that is 'accessible for individuals with disabilities.'**"

See also, New York’s Voting System Satisfies and Surpasses HAVA,

<http://sites.google.com/site/remediaetc/home/documents/EACAdvisoryShouldbeRevoked.pdf> ,

*See also **Discredited federal E-voting oversight commission issued an incorrect 2005 'legal advisory' helping to keep NY on a collision course with democracy,***

<http://www.bradblog.com/?p=6956>

3. Counties Struggle on Election Costs:

"Elections have gotten very complex and federal and state legislation . . . keeps driving the **cost of elections up**," Larimer County Scott Doyle said. The vast majority of those costs are paid by county taxpayers. **Given the current economic pressures, "I don't know that counties can continue to bear the weight,"** Doyle said. (emphasis supplied)

<http://www.rockymountainnews.com/news/2009/jan/24/counties-struggle-on-election-costs/>

State and County Elections Offices Struggle with Economic Crisis,

http://www.pewcenteronthestates.org/uploadedFiles/wwwpewcenteronthestatesorg/Reports/Electionline_Reports/electionlineWeekly02.19.09.pdf

Vendors are Undermining the Structure of U.S. Elections,

<http://www.votersunite.org/info/ReclaimElections.pdf>:

“Webster County, Iowa.

On-going fees charged by ES&S have doubled the cost of elections. In 2005, the county budgeted \$49,000 for elections, but in 2007 **the cost skyrocketed** to \$110,700 for only 29 precincts and 25,300 registered voters. According to County Auditor Carol Messerly **the increase was primarily because of the maintenance contracts for the new optical scanners and ballot-marking devices. At this point, the county saw no realistic alternative to paying the exorbitant costs of maintenance since they had already bought the system."**

Finding themselves at the mercy of the vendor, county election officials' expressed their **sticker shock**, referring to the cost for a one year service warranty contract:

“It just about blew our minds away,” said Alice Nicolio, director of the [Fairfield] county Board of Elections.

“**We just do not have the money,**” said Janie DePinto, elections board director. Holmes County officials, too, were in shock.

“This completely blind-sided the county,” said Ray Feikert, a Holmes County commissioner in northeastern Ohio. “**It’s kind of a back-door expense that no one saw coming.**”

Steven Harsman, president of the Ohio Association of Election Officials and director of the Montgomery County Board of Elections, understood the difficulty of running an election on new, complicated, unfamiliar electronic equipment. He pointed out how Diebold now **had the counties over a barrel:**

“The irony is that the small counties will have a bigger need for these contracts, but they won’t have the money to pay for them,” Harsman said. “Elections boards are going to county commissioners, and commissioners are kicking and screaming. It’s not a pretty situation at all. But when the dust settles, a high percentage of counties are going to need this, and county commissioners are going to have to find the funding.”

See also the various studies below, attempting to calculate the increased expenses related to software-based elections, all of which demonstrate the extraordinary expenses of software-based electoral systems and their limited life span. **Optical scanners estimated to last 15 years (or be replaced even sooner if federal certification process renders existing machines obsolete). Contrast this to lever machines which are so well built if properly maintained they will last another century.**

In addition to the ever-increasing operating and maintenance costs as software technology’s defects and weaknesses are continuously revealed, the inability of software-based technologies to accurately or securely count votes requires the additional and exorbitant administrative expense to hand count ballots just to try to determine if there was any basis for the unknowable and vulnerable software-based tallies. **Contrast this with transparent, immutable lever voting machines which can reliably demonstrate the accuracy of their count without having to undertake extensive weeks of hand counting.**

Invisible vote counting machines put our democracy at risk as well as our ability to pay the tax-guzzling costs experienced throughout the nation.

The Cost of Automating Elections, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1150267,
Onondaga Cost Report, <http://www.nyvv.org/newdoc/county/OnondagaCostRpt041907.pdf>,
NYVV Cost Reports, <http://www.nyvv.org/newdoc/county/CmtsOnondagaCostRpt.pdf>, *Florida Election Cost Study*, http://www.votersunite.org/info/FloridaElectionCostStudy12_01_05.pdf,
Suffolk County's Overview of Cost Factors Associated with Electronic Voting Machines,
<http://www.co.suffolk.ny.us/legis/bro/Reports/2006/Voting%20Machines.pdf>

4. What New York Election Commissioners have to look forward to if Computerized Voting Systems are Permitted to Replace our Existing Lever Voting System, at

http://sites.google.com/site/remediaetc/home/documents/Election_Problems_Counties_Across_Nationfor_EC_NY.pdf:

- Illinois Commissioner of Elections in Cook County, citing tabulation problems by the Sequoia's optical scanners and DREs in the 2006 election said: "**The administration of this election was a train wreck.**" Sequoia officials insisted however that the system "performed very well, overall."

- Texas election programmer William Singer wrote the Secretary of State's office after the 2004 vote to report that ES&S pressured officials to install unapproved software during the presidential primaries. "**What I was expected to do in order to 'pull off' an election ... was far beyond the kind of practices that I believe should be standard and accepted in the election industry.**"

- California's Secretary of State's 2007 Top to Bottom Review of the voting computers in the state revealed that **Sequoia's voting system could be subverted without "leaving any evidence that the security of the system had been compromised.... Sequoia's security hardening consisted in large part of a customer relations campaign to allay fears that tampering would be a problem."**

"[A] 2007 Electoral Commission Report produced in response to the problems with the Dominion optical scanner used in Britain last year for the first time. **Dominion is new to the field, but as the report reveals, the myriad of breakdowns and computer problems experienced by election officials in Britain are not at all new.** As the annexed newspaper account describes, the elections "**ended in chaos as the electronic votes were chucked out following a catalogue of errors and the whole thing was recounted by hand, delaying results by several days.**" The article went on to state that, "The list of things that went wrong is far too extensive to repeat here, but if you want an example of how not to manage an IT project, look no further than the link at the end of this story."

Thus the new computerized system planned for New York will produce unknowable results which will then be checked after election night by counting paper. New York has a lever voting system that does not rely on paper ballots to prove the accuracy of its elections and that gets the job done on election night. How can we surrender a functioning time-tested, reliable voting system to one so inferior, unreliable and far costlier?

See also Vendors are Undermining the Structure of U.S. Elections,
<http://www.votersunite.org/info/ReclaimElections.pdf>

5. Federal Vote-Counting Accuracy Mandate Is Ignored: Violations abound, but no federal action is taken <http://www.votersunite.org/info/AccuracyIgnored.asp>

6. See endnote 3

7. ERMA, EL-9-211

8. Indeed just last week New York's county election commissioners got a taste of things to come as the vendors tried to induce them with a 'pig in a poke' offer, threatening immediate increases, as if such increases aren't going to be relentless **State Board to Counties: Buy new equipment**

fast or face price increases!, Feb. 26, 2009

http://wheresthepaper.org/BuyFastOrFacePriceIncreasesFeb26_09.pdf

9. The National Institute of Standards and Technology (NIST), the very experts who advise the Federal government on the writing of the certification standards to which New York is trying to adhere, **have rejected the notion that certified systems could be secure**, finding that:

"[T]esting to high degrees of **security and reliability** is from a practical perspective **not possible.**"

Requiring Software Independence in VVSG 2007: STS Recommendations for the TGDC, 11/06, <http://vote.nist.gov/DraftWhitePaperOnSIinVVSG2007-20061120.pdf> (emphasis supplied)

In addition to the NIST report, over three dozen independent computer scientist reports, http://sites.google.com/site/remediaetc/home/documents/Scientific_Studies_7_20_08.pdf, **have proven this software can be undetectably manipulated such that if the system was compromised, "The canvass procedure would not detect any anomalies, and would just produce incorrect results."** California Voting Systems Technology Assessment Advisory Board Security Analysis of the Diebold AccuBasic Interpreter, 2/06, commissioned by California's SoS, Debra Bowen:

http://ss.ca.gov/elections/voting_systems/security_analysis_of_the_diebold_accubasic_interpreter.pdf

10. Like every Ponzi scheme, this one requires the ongoing infusion of millions of dollars to maintain an illusion: in this case, that if only these machines could be "certified" -- and "re-certified" -- to the next unattainable yet inadequate set of standards, they will someday be reliable and safe enough to entrust with the counting of our votes.

See Voting machines as a Ponzi Scheme <http://www.democracyfornewhampshire.com/node/view/3505>

See also, Dr. Avi Rubin's Electronic Voting Security Blog, Aug. 7, 2007:

"[Y]ou cannot certify an electronic voting machine the way you certify a lever machine. Once the voting machine goes through a lengthy and expensive certification process, any change to the software requires that it be certified all over again. What if a vulnerability is discovered a week before an election? What about a month before the election, or a week after it passes certification? Now the point is that we absolutely expect that vulnerabilities will be discovered all the time. That would be the case even if the vendors had a clue about security." <http://avi-rubin.blogspot.com/2007/08/secretary-bowens-clever-insight.html>

See also, the Dan Rather Reports, http://www.hd.net/transcript.html?air_master_id=A4755:

"It all sounds familiar, too familiar. **Taxpayers being asked to throw out millions of dollars worth of voting equipment, start over again, and pick up the tab. With no guarantee the new equipment will provide a solution to the problems. Technology can often offer a solution to a complicated process, in this case, accurately recording votes. But technology poorly conceived, designed, integrated and tested is a recipe for failure. In this instance, subsidizing the same outfits that couldn't get it right the first time, giving them more chances could lead to the further waste of millions upon millions of taxpayer dollars. And just as important, the further loss of confidence in our nation's ability to use technology to provide solutions for mission-critical applications, none more important to our nation than**

accurately recording each of our votes.

11. Election Law 9-211

12. *See* endnote 9

13. *See* lists of thousands of software-based voting machines breakdowns as reported in the media at:

<http://www.votersunite.org/electionproblems.asp?offset=0&sort=&selectstate=&selectvendor=&selectproblemtyp>

14. SBoE Commissioner and Co-chair Douglas Kellner, June 19, 2008 SBoE meeting

15. SBoE Commissioner Gregory Peterson, October 3, 2008 SBoE meeting ,
There's No Place Like Home: The State Board of Elections Struggles to do the Impossible when the Possible and Best Solution for Transparent, Safe, Reliable Elections is Right Here:

<http://www.opednews.com/articles/There-s-No-Place-Like-Home-by-Rady-Ananda-081015-502.html>

16. In 2003 the Court of Appeals found the Governor had exceeded his constitutional authority in entering into an agreement authorizing casino gambling, thus resulting in the agreement's being null and void. *Saratoga v Pataki*, 100 NY2d 80. Similarly the State's agreement, entering into a timetable to implement ERMA in the Federal action commenced by the Department of Justice, would be null and void if ERMA was declared unconstitutional.

This **litigation synopsis**, prepared by the Election Transparency Coalition, available at, <http://sites.google.com/site/remediaetc/home/documents/LitigationSummaryfinal109.pdf> , describes the various ways in which ERMA is unconstitutional. In particular, the Legislature exceeds its authority in precluding election commissioners, who are constitutional officers by virtue of NY Constitution, Art II, sec.8, from performing those duties integral to their office. For example, the ability to safeguard and control the conduct of elections by being able to observe and prevent error and fraud is impossible when software invisibly tabulates votes and election commissioners can no longer witness that the voting machines have been properly programmed.

17. In 2006 the Department of Justice sued New York State in order to enforce compliance with HAVA. The issue of how that compliance was best achieved was never litigated. The State had already enacted ERMA, requiring the replacement of the levers with software systems, and entered into a timetable for ERMA's compliance, *U.S.A v New York State Board of Elections, et. al.*, Civil Action No. 06-CV-0263. The State never argued that augmenting our lever voting system with BMDs would also be HAVA-compliant since it was intent on implementing ERMA.

The State has not yet complied with its agreement to replace the levers, holding out for certification, which will *not* make the software safe to use and is *not* a requirement of HAVA. Since certification is only required by ERMA, the federal court doesn't care if the software is certified and can force the State's compliance with its agreement unless ERMA is declared unconstitutional in state court. As in *Saratoga v Pataki, supra*, where legislators and citizens successfully challenged the constitutionality of the Governor's agreement, rendering that agreement null and void, voters and their counties can prevent the State's agreement to replace the levers by having ERMA declared unconstitutional.

Sady, Joan

From: Frederick H. Monroe [fmonroe@adkreviewboard.com]
Sent: Tuesday, May 05, 2009 6:37 PM
To: Payne, Hal; Sady, Joan; Stec, Daniel
Subject: FW: Seeking Warren County Leadership and Support for Fiscal Responsibility: Save our Lever Voting System

Frederick H. Monroe, Executive Director
Adirondack Park Local Government Review Board
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From: Andi Novick [mailto:anditnovick@gmail.com]
Sent: Tuesday, May 05, 2009 6:07 PM
To: Frederick H. Monroe
Subject: Re: Seeking Warren County Leadership and Support for Fiscal Responsibility: Save our Lever Voting System

Dear Fred,

Thank you for checking on the antique that was discarded. Hopefully you've saved another. I have included a copy of the Essex County Resolution which passed unanimously yesterday in Essex County. Thank you for diligent and prompt attention to this.

If you have any questions please feel free to call. I won't bother you with another phone call to see how it goes tomorrow in the Finance Committee, but please let me know if there's a problem. Then I won't have to bother you again until your 5/15 board meeting.

Thanks again

Andrea T. Novick, Esq.
Finder Novick Kerrigan LLP
Rhinebeck office
349 Ackert Hook Rd.
Rhinebeck, New York 12572
(telephone fax) 845 876 2359

Resolution No. 147

May 4, 2009

5/6/2009

RESOLUTION TO JOIN THE NEW YORK STATE ASSOCIATION OF TOWNS AND OTHER COUNTIES IN SEEKING COUNTY LEADERSHIP AND SUPPORT FOR FISCAL RESPONSIBILITY BY STAYING WITH LEVER VOTING MACHINES

The following resolution was offered by Supervisor, who moved its adoption.

Upon the recommendation of the Finance Committee, with the approval of the Ways and Means Committee of this Body, and the same appearing proper and necessary.

WHEREAS, for many decades Essex County has successfully used mechanical lever-style voting machines, with very few problems, and is desirous of continuing to do so; and

WHEREAS, New York State enacted the Election Reform and Modernization Act of 2005 (ERMA) and other laws that require all lever machines to be replaced and prohibit the use of any lever machines in any future elections in New York State; and

WHEREAS, Essex County believes that the continued use of lever-style voting machines is in the best interest of the public and should be permitted to be used in future elections; and

WHEREAS, it is the opinion of this Board that if the State of New York replaces lever voting machines with optical scanner systems, the cost to the taxpayers of Essex County will be insurmountable not covered by HAVA funds and the payment thereof will severely strain and possibly break the budgets of all Counties in this time of economic crisis: and

WHEREAS, the expense of the computerized voting systems is exorbitant and will no doubt increase annually and there will be uncertain as to costs and expenses, none of which exists with the current lever machine and BMDs machines; and

WHEREAS, New York State now has, accurate and reliable electoral system using the lever-style voting machines; and

WHEREAS, the New York State legislation relating to voting machines far exceeds the federal requirements of Help America Vote Act (HAVA); and

WHEREAS, the State's statutorily required elimination of lever-style voting machines is unnecessary, inappropriate and costly to Essex County taxpayers, and in these difficult economic times, the cost to implement elections with these new machines will not be paid for New York State and is an unfunded mandate, therefore

BE IT RESOLVED that the Essex County Board of Supervisors hereby joins with the New York State Association of Towns and other Counties seeking and supporting the continuation of our lever voting machines together with Ballot Marking Devices (BMD) and rejecting the use of a computerized voting system as the computerized voting system will be a huge expense and undertaking in Essex County during

this time of economic uncertainty; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors hereby requests the New York State Legislature and the New York State Board of Elections to enact laws, rules and regulations as specifically authorized to continue the use of lever-style voting machines; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New York Association of Towns, Election Transparency Coalition, Governor David Paterson, New York Senate Majority Leader Malcolm A. Smith, Assembly Speaker Sheldon Silver, Assembly Minority Leader Brian Kolb, Senator Elizabeth O’C. Little, Assemblywoman Teresa R. Sayward and Assemblywoman Janet Duprey, the Executive Directors of the New York State Board of Elections, Todd Valentine and Stanley Zalen, the New York State Board of Election Commissioners, James Walsh, Douglas Kellner, Evelyn Aquila and Gregory Patterson, United States Senators Charles Schumer and Kirsten Gillibrand and United States Members of Congress, John McHugh and Scott Murphy.

This resolution was duly seconded by Supervisor , and adopted

On Thu, Apr 30, 2009 at 8:48 PM, Frederick H. Monroe <fmonroe@adkreviewboard.com> wrote:

Andrea,

Thanks for your email and information. Thanks also for tackling this project. Your work restores some common sense to the voting machine fiasco.

I will check on the 100 year old machine and send the information to you.

Fred

Frederick H. Monroe, Executive Director
Adirondack Park Local Government Review Board
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Chestertown, New York 12817
Tel: 518-494-3607
Fax: 518-494-5472

5/6/2009

SIGN-IN SHEET FOR GUESTS

COMMITTEE: Finance

DATE: 5-6-09

PLEASE PRINT

NAME	REPRESENTING
Julie Pacyna	Purchasing
Christie Sabo	OFA
BILL LAMY	DPW
Barbara Taggart	Westmount
Bud York	WCSD
Johanna	wc hr
Margaret Sing Smith	Youth Bureau
Amy Manney	WC OES
BRIAN LAFURE	WC OES
Karen Putney	Bldg. Codes
King Shroyer	wc the people
George J. Stee	SOA
FRANK O'KEEFE	TREASURER
DAVE O'BRIEN	SELF
Richard Sanford	Self
Alyson Martin	Post-star
Jon Alexander	News Enterprise