

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: SUPPORT SERVICES - BOARD OF ELECTIONS

DATE: MARCH 1, 2007

COMMITTEE MEMBERS PRESENT:	OTHERS PRESENT:
SUPERVISORS SHEEHAN	REPRESENTING THE BOARD OF ELECTIONS:
MONROE	WILLIAM MONTFORT, COMMISSIONER
MASON	MARY BETH CASEY, COMMISSIONER
VANNESS	AMY BARTLETT, FIRST ASSISTANT COUNTY ATTORNEY
GIRARD	JOAN PARSONS, COMMISSIONER OF ADMINISTRATIVE &
GERAGHTY	FISCAL SERVICES
	JOAN SADY, CLERK OF THE BOARD
COMMITTEE MEMBER ABSENT:	SUPERVISORS: BELDEN
SUPERVISOR GABRIELS	CAIMANO
	CHAMPAGNE
	HAL PAYNE, ADMINISTRATOR - WESTMOUNT HEALTH
	FACILITY
	AMANDA ALLEN, LEGISLATIVE OFFICE SPECIALIST

Mr. Sheehan called the meeting of the Support Services Committee to order at 9:30 a.m.

Motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously to approve the minutes of the November 29, 2006 meeting subject to correction by the Clerk of the Board.

Mr. Sheehan noted that Amy Bartlett, First Assistant County Attorney, was in attendance to briefly address the Committee with respect to a travel request. Ms. Bartlett advised that she was scheduled to attend a summit on the future of indigent defense in Albany on March 26th along with Joy LaFountain, Assigned Council Administrator. She noted that she and Ms. LaFountain would be traveling together and there would be no expense to the County other than for incidentals such as mileage. Ms. Bartlett stated that she was notifying the Committee of the meeting as the new travel policy required Committee authorization for all work-related travel. Joan Parsons, Commissioner of Administrative and Fiscal Services, advised that a fleet vehicle would be authorized for Ms. Bartlett's travel, negating the need for mileage reimbursement.

Motion was made by Mr. VanNess, seconded by Mr. Mason and carried unanimously to authorize Ms. Bartlett and Ms. LaFountain to travel to the summit scheduled for March 26th in Albany.

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

Ms. Casey apprised that the first agenda item pertained to a request to establish the part-time

position of Voting Machine Custodian in the Table of Organization and assign an hourly rate of \$15.00. She apprised that in 2006 the County had compensated the custodians of each individual town \$100 per person per machine for set up of the current lever voting machines, which was more expensive than it would have been to pay the hourly wage proposed. Ms. Casey stated that although the hourly rate would prove to be less costly than the flat fee paid in prior years, the costs would increase once the new voting machines were implemented, as they required quarterly inspections in addition to setup. She noted that ten (10) Voting Machine Custodians would be hired (*five Republican and five Democrat*), and broken down into five two-person teams for machine set up. Ms. Casey reminded the Committee that this system would become necessary once the new voting machines were in place requiring quarterly inspections and would allow for advanced training. She advised that funding for these positions was available within the Board of Elections Budget and they wished to fill the positions as quickly as possible to begin training and review of the current voting machines to determine which were in good working order and which needed repairs.

Mr. VanNess asked what the process for approving the request was and Joan Parsons, Commissioner of Administrative and Fiscal Services, advised that the request had to be referred to both the Personnel and Finance Committees as the creation of the new positions had to be approved by the Personnel Committee and the transfer of funds by the Finance Committee. Mr. VanNess asked how much funding was available for these positions and Ms. Casey replied that there was currently \$50,000 under the extra help code which had not been appropriated to any specific employee group. Mrs. Parsons asked how much would be appropriated for these positions and Ms. Casey replied that an exact figure was not available as travel expenses were unknown. Mrs. Parsons advised that the positions and salary schedule could not be established without the appropriation figure and Ms. Casey suggested that a figure of \$28,000 be used as the appropriation amount because that was approximately what had been spent for machine setup in 2006 and she anticipated that the implementation of the new positions would be less costly. However, she noted, they would not be aware of the exact costs incurred by the use of the new team system until they were in place and effectively working.

Mr. Mason asked how it had been determined that the hourly rate of \$15 would be more cost effective than the flat rate of \$100 per machine set up. Ms. Casey replied that the average setup time for each machine was two hours, essentially costing \$60 for the setup of the machine by a team of two. She apprised that the flat rate had been derived subsequent to the Towns' inability to find people willing to commit to setting up the voting machines without significant compensation; Ms. Casey added that the \$100 rate had been determined by selecting the median of the amounts paid by the various Towns. She noted that machine setup required two persons, one from each voting party, resulting in the end cost of \$200 per machine for setup by current standards. Ms. Casey reiterated that the new hourly position would incur setup costs of approximately \$60 per machine saving \$140 for each unit assembled.

Mr. VanNess asked if the Custodians would be reimbursed for mileage in addition to the hourly wage and Ms. Casey replied affirmatively. Accounting for mileage, Mr. VanNess stated that they would

incur a cost of approximately \$80 per team per machine, which was still much better than the \$200 per machine paid currently. Mr. Sheehan asked if Warren County fleet vehicles could be used to avoid mileage costs and Ms. Casey advised that they could.

Mr. Girard asked if the decreased wage would dissuade employees, leading to frequent turnover in the position and Ms. Casey apprised that the current custodians, the majority of which were retirees, felt that the \$15 per hour rate was very fair. She noted that the amount of the wage had been researched to be sure that it was appropriate.

Discussion ensued.

Motion was made by Mr. Monroe, seconded by Mr. Girard and carried unanimously to approve the request to create the new position of Voting Systems Technician at an hourly rate of \$15.00 on an as needed basis and refer same to the Personnel Committee. *(It was determined that the request did not require referral to the Finance Committee as the necessary funds were within the Budget and did not require a transfer.)*

Agenda item number 2, Ms. Casey explained, was a request to authorize overnight travel for herself; William Montfort, Commissioner; Suzanne O'Dea, Deputy Commissioner and Connie Service, Deputy Commissioner to attend the New York State Board of Elections Annual Conference scheduled for April 30th through May 2nd in East Syracuse, NY. She stated that it was very important for both the Commissioners and their Deputies to attend the meeting because they were each responsible for different portions of the elections process and one group might not necessarily take away the same information from the meeting as another due to their varying duties. For example, Ms. Casey explained, she and Mr. Montfort were responsible for the elections and legislation portions of the election process while their Deputies were responsible for voter registration. Ms. Casey stated that each were not knowledgeable enough of the others duties to ask the same questions and although copies of the power point presentations would be distributed subsequent to the meeting, important discussions and questions asked were not included in the written documentation provided. She noted that issues such as new rules and regulations were disclosed and discussed during these meetings which were imperative to the elections process.

Referring to the agenda for the New York State Board of Elections Annual Conference, which was included in Ms. Casey's agenda, Mr. Sheehan noted that the initial portion of the conference seemed to be for new Commissioners and he asked if it was necessary to attend on that day. Ms. Casey replied that although they would not be attending the new Commissioners portion of the conference, the seminars scheduled for the late afternoon were pertinent as they referred to Legislative updates, and a presentation by Thomas Wilkey, Executive Director of the US Election Assistance Commission. She apprised that the group intended to leave the Municipal Center on the morning of April 30th to arrive in time for the late afternoon meetings.

Mr. Mason asked if funds necessary for the trip were available within the Board of Elections Budget

and Ms. Casey replied affirmatively. Mr. Mason stated that in light of the changes being made in the elections process and the fact that funding was available within the existing Budget, he had no issue with the group traveling to attend the conference. He asked if any further developments had been made with respect to the new voting machines and Ms. Casey replied that there were two machines in their final stages of New York State certification. She apprised that the first of those machines was an optical scan voting system and the second a touch screen voting system; Ms. Casey added that the State was anticipating certification of these machines on May 4th.

Referring to the hotel registration information included in the agenda, Mr. VanNess noted that \$90 per person could be saved by booking rooms with double occupancy. He noted that although it would be inappropriate to ask Mr. Montfort and Ms. Casey to share a room, he did not feel that it was unreasonable to ask that the Deputy Commissioners do so and Ms. Casey concurred.

Mr. Sheehan pointed out that another major issue imposed by the travel request was the violation of the GSA (Governmental Services Administration) fee per City, adopted in the new travel policy. Mrs. Parsons noted that the prices for both single and double occupancy rooms exceeded the allowance scheduled for travel. Mr. Montfort stated that the GSA rate was set for one-day events rather than conferences, wherein the costs of the event were added into the attendance price. He said that the difference between the conference price and the GSA rate was \$162 and he was worried that this amount would not be returned to the attendees as it was in violation of the GSA standards.

Mrs. Parsons asked if it was possible for the group to attend only the portion of the Conference scheduled for May 1st, as that was when the major portion of the event was being held and Ms. Casey replied in the negative. She said that it was very important that they attend the portion of the Conference on April 30th also because the legislative update meeting would be held on that day.

Discussion ensued.

It was the consensus of the Committee that the travel requested should be approved; however, a resolution was necessary to authorize an exemption from the travel policy.

Motion was made by Mr. Mason, seconded by Mr. Geraghty and carried unanimously to approve the request authorizing travel for Ms. Casey, Mr. Montfort, Ms. O'Dea and Ms. Service to attend the New York State Board of Elections Annual Conference in East Syracuse, NY from April 30th through May 2nd and approval was given to exempt the trip from the Warren County Travel Policy. The necessary resolution was authorized for the March 16th Board meeting and copies of the travel requests are on file with the minutes.

Resuming agenda review, Ms. Casey apprised that item number three pertained to a request for permission to approach the New York State Board of Elections to gain approval for Warren County to act as a test county for the Liberty Voting System which was HAVA (Help America Vote Act) compliant for handicapped users and one of the two voting machines in the final stages of approval

by the State. She noted that the County had these permissions of the State in 2006 but had been refused.

Ms. Casey reminded the Committee that the County was in negotiations with the Federal Department of Justice because they were not in compliance with HAVA requirements. She said the indication was that although the Federal Judge had allowed the County to maintain only one handicapped voting system in a centralized location during 2006, such HAVA compliant systems might be required at every polling place for 2007. The good news, Ms. Casey apprised, was that the Board of Elections had consolidated polling sites, reducing the number from 35 to 27, and Liberty Elections Systems had authorized the use of 27 of their DRE (Direct Recorded Electronic) voting machines, at no cost to the County, with the option to purchase the machines if certified prior to the election season. Ms. Casey added that the DRE voting machine was the first choice of the Board of Elections for purchase upon certification by the State. Furthermore, she noted, putting these systems in place would be a pre-emptive strike in the event that a Federal Judge enforced the implementation of a HAVA compliant voting system at each polling location. Ms. Casey stated that the necessary permissions had to be received prior to pursuing the offer made by Liberty Voting Systems. She noted that a copy of the letter received from Liberty Elections Systems offering the use of the DRE voting machines was included in the agenda, as well as a copy of the letter addressed to the New York State Board of Elections requesting permission to become a test county.

Discussion ensued.

Mr. Monroe noted that the letter from Liberty Elections Systems seemed to indicate that their offer was contingent upon the County's agreement to purchase the 27 voting machines if they were certified by the State prior to the September 2007 elections. Mr. Montfort replied that the letter did include this requirement; however, the machines offered were the ones that the Board of Elections intended to purchase once certified. Ms. Casey added that the DRE voting machine was preferred by the majority of voters upon testing of the two units available.

Ms. Casey apprised that a resolution was not necessary to proceed with this request; however, permission from the Committee was necessary. It was the consensus of the Committee that the Board of Elections should proceed in contacting the New York State Board of Elections to request permission to become a test county for the Liberty Elections System DRE voting machines. Ms. Casey asked if a letter reinforcing the Committee's decision could be prepared for their signature and Mr. Sheehan replied that it could; however, he said, it must be approved by the County Attorney prior to presenting it to the Committee for signatures.

Ms. Casey stated that agenda item number four referred to the installation of a new complex system needed to conform to the NYSVoterII database. She advised that the newly mandated voter registration database was required by HAVA standards and was currently being implemented by the Warren County IT (Information Technology) Department in conjunction with NTS Data Services, LLC. She added that the new system would replace the NYSVoter I system that had been used

temporarily as per a Department of Justice court order. Ms. Casey stated that Bill Mahar, of the IT Department, had advised that the new system required a highly specialized subset of information technology skills which no one in the IT Department possessed, and he suggested that she contact NTS Data Services, LLC to obtain the assistance of a Virtual DBA (Database Administrator) in connection with the new system. Ms. Casey noted that the Virtual DBA services could be obtained from NTS Data Services, LLC for a fee of \$3,000.

Mr. Sheehan asked if funds were available within the Board of Elections Budget to facilitate this request and Ms. Casey replied that there were not. Mrs. Parsons suggested that the necessary funds be transferred from the 'extra help' code as they would only be utilizing \$28,000 of the \$50,000 available for the new custodian positions approved earlier in the meeting.

Motion was made by Mr. Girard, seconded by Mr. Geraghty and carried unanimously to approve the request for a new contract with NTS Data Services, LLC to obtain the services of a Virtual DBA to assist in the migration of the NYSVoter II system with the Warren County voter registration database. The necessary resolution was authorized for the March 16th Board meeting and a copy of the resolution request is on file with the minutes.

Motion was made by Mr. Girard, seconded by Mr. Geraghty and carried unanimously to approve a transfer of funds in the amount of \$3,000 from Code A.1450 130 (extra help), to Code A1450 470 (contracts), to fund the newly approved contract with NTS Data Services, LLC as outlined above and refer same to the Finance Committee. A copy of the request is on file with the minutes.

Ms. Casey apprised that agenda item number five detailed an opportunity to increase revenues received by the Board of Elections by instituting fees for information distributed by the Department. She noted that in contacting the surrounding Counties she had found that many had imposed charges for FOIL (Freedom of Information Law) requests and she suggested the following:

- 1) \$.25 per printed sheet
- 2) \$1.00 per page of printed labels
- 3) \$10.00 per CD for Board of Election information

Ms. Casey stated that these fees were comparable to those of other Counties; she added that all information within the Board of Elections was considered public record and distributed often.

Mr. Monroe stated that these charges seemed like a good idea and, as long as they were within the guidelines of the FOIL requirements, he was in favor of the imposition. Mr. VanNess asked if the requests for information were made more often on a individual or business level and Ms. Casey replied that the majority of the requests received were made by individuals.

Discussion ensued.

Ms. Casey questioned the way in which fees should be paid as the Board of Elections was not a Department that maintained a cash drawer. Mrs. Parsons apprised that in prior years, when the Board of Elections had charged such fees, the payment was made to the Treasurer's Office prior to returning to the Board of Elections with a paid receipt to retrieve the information requested.

Motion was made by Mr. Girard, seconded by Mr. Geraghty and carried unanimously to approve the request to institute a fee schedule, (\$.25 per printed page; \$1.00 per page of labels and \$10.00 per CD), for information requested from the Board of Elections with fees to be paid to the Warren County Treasurer's Office prior to the receipt of documents or disks. The necessary resolution was authorized for the March 16th Board meeting and a copy of the request is on file with the minutes.

Ms. Casey stated that the sixth agenda item listed referred to a request to impose a full charge-back of elections expenses to the City and Towns of Warren County beginning with the 2008 election season. She referred to a listing of the expenses incurred during the election season, which was included in the agenda, and explained that the document included costs for inspectors, training, delivery costs, legal ads, ballot envelopes and other such necessary items. Ms. Casey noted that the salary costs were based on the assumption that the new voting machines would be in place for the 2008 election season.

Mr. Monroe noted that earlier in the meeting Ms. Casey had portrayed the new inspection staff as saving funds for the County while her handout seemed to reflect increased costs and Ms. Casey replied that, as stated earlier, salary costs would be higher with new voting machines in place as quarterly inspections were required. In addition, she noted, the figures given earlier were based on staffing for two elections, while three elections would be necessary in 2008 due to the Presidential primary election.

Mr. VanNess asked what the average charge to each Town was currently and Ms. Casey replied that it was \$1,200 per district per machine and that fee would increase to \$3491.60 per district per machine if a full charge-back were approved. Ms. Casey clarified that currently each district had one voting machine and if a district acquired more than 1000 voters a second machine was required, as such, the fee was classified as 'per district per machine'.

Mr. Sheehan noted that time was running short and he asked that the issue be discussed further in future Committee meetings.

Completing agenda review, Ms. Casey apprised that the Town of Johnsbury had previously maintained three separate polling locations and those had been consolidated to a single location at the Community Center where they were able to use State and Federal funding to make the parking lot handicapped accessible. In light of this fact, Ms. Casey stated, the Board of Elections had entered into a lease with the Town of Johnsbury for use of the Community Center as the sole polling place for that district.

Mr. Sheehan thanked Ms. Casey and Mr. Montfort for their presentation and he noted that an executive session was necessary prior to the close of the meeting.

Motion was made by Mr. VanNess, seconded by Mr. Geraghty and carried unanimously to declare an executive session pursuant to Section 105 (f) for the Public Officers law to discuss the employment of a particular person.

Executive session was declared from 10:24 a.m. to 10:29 a.m.

Upon reconvening, motion was made by Mr. VanNess, seconded by Mr. Geraghty and carried unanimously to approve the request to fill the vacant position of Deputy Commissioner of Administrative & Fiscal Services with a base salary of \$50,000 and refer same to the Personnel Committee. A copy of the request is on file with the minutes.

Motion was made by Mr. Mason, seconded by Mr. Monroe and carried unanimously to retain the services of Joan Parsons, Commissioner of Administrative and Fiscal Services as a part-time consultant on an as-needed basis and refer same to the Personnel Committee.

As there was no further business to come before the Support Services Committee, on motion made by Mr. VanNess and seconded by Mr. Girard, Mr. Sheehan adjourned the meeting at 10:30 a.m.

Respectfully Submitted,
Amanda Allen, Legislative Office Specialist