

**Herkimer County Legislature
Administration/Veterans' Affairs and Ways & Means
Committee Meeting
Thursday, September 3, 2020
Via Zoom
Follows County Planning & Development and Ways & Means**

Persons Attending:

Bob Hollum (Chairman, Administration/Veterans' Affairs)
Gregory Malta, Sr. (Administration/Veterans' Affairs committee member)
William Weakley (Administration/Veterans' Affairs committee member)
Patrick E. Russell (Chairman, Ways & Means, Admin. committee member)
Raymond Johnson (committee member, both)
John L. Brezinski (Administration/Veterans' Affairs committee member)
Kurt Ackerman (Ways & Means committee member)
Raymond Smith (Ways & Means committee member)
Frederick J. Shaw, Jr. (Ways & Means committee member)
John P. Stephens (Ways & Means committee member)
Vincent J. Bono, Chairman of the Legislature
James W. Wallace, Jr., County Administrator
Brandy Serow, Sec. to County Administrator
Lorraine Lewandrowski, County Attorney
Sheri Ferdula, Budget Officer
Steve Billings, Personnel Officer
Kim Tranter, Commissioner of Elections
Anthony Fumarola, Commissioner of Elections
(Non Committee Members signed in)
Legislator Mark Gaworecki
Legislator Robert J. Schrader
Legislator William Keeler, Sr.
Legislator Ray Donley
Legislator Peter Campione

Absent:

N/A

Mr. Hollum called the meeting to order at 10:02 a.m.

Items Discussed:

ADMINISTRATION/VETERANS' AFFAIRS/WAYS & MEANS:

1. Accepting grant, amending 2020 budget and creating accounts for Cyber Security and Mitigation in Board of Elections
2. Approve part time employee in Board of Elections
3. Approve election expenses in BOE

ADMINISTRATION/VETERANS' AFFAIRS:

4. Other - POA opposition to Bill A 10755

Committee Vote Record

ADMINISTRATION/VETERANS' AFFAIRS/WAYS & MEANS:

Mr. Hollum: "First on the agenda accepting grant, amending 2020 budget and creating accounts for Cyber Security and Mitigation in Board of Elections. The award is for \$77,574 for cyber security remediation and mitigation grants. Amending the budget as well as creation of a new account will be necessary to add the funding. Anthony or Kim can you elaborate a little bit more on this?"

Tony Fumarola: "This grant was the result of a two year study that was done through the state. Cyber mediation to make sure everything was secure. They went county by county and went through everything. A gentleman from NYSAC worked very hard with Mike Testa in IS to see what we could do and what would be a part of this."

Mr. Hollum: "I actually do have one question. I see that the revenue and expenses match each other, to me that just seems a little odd. If we didn't receive as much in the grant, would the expenses still be the same? I'm just wondering how they came up with the same exact total."

Tony Fumarola: "The amount itself was determined at the state level by county. It is not the same for everybody. I think it is based on population and application needs. A lot of our grants are kind of just random numbers that we get from the state. We try to spend it to make sure we are up to date and current."

Item #1 - On motion of Mr. Brezinski, seconded by Mr. Weakley for Administration/Veterans' Affairs, and on motion of Mr. Stephens, seconded by Mr. Johnson for Ways & Means, Item #1 was voted on, approved and moved for Resolution. Unanimous.

Mr. Hollum: "Second on the agenda is to approve a part time employee in Board of Elections. Previously the Board of Elections received authority to hire a part time worker for six weeks up to the November 3, 2020 general election. At this time they feel they need someone for additional weeks. Kim or Anthony how many additional weeks are we looking at?"

Kim Tranter: "With approval I would like to start them right away."

Mr. Hollum: "We are discussing adding some weeks to the part time position that has been approved for six weeks. We are not really too sure what the Board of Elections needs as far as hourly rate or how many weeks they will need it. It looks like they need as much as possible. So I guess my question Mr. Wallace is can we even move forward until we know rate of pay and how many weeks they want?"

Mr. Wallace: "We would need both of those included in the motion. That should come from Tony and Kim what their recommendation is."

Tony Fumarola: "Our recommendation would be 19 hours a week at \$15 an hour to get a person in here."

Mr. Hollum: "For an additional how many weeks on top of the six?"

Tony Fumarola: "I think originally it was going to be October through mid-November to help us clear up the election based on the original part before everything else happened. We are hoping for September 15th and going through the end of November."

Mr. Hollum: "So only two additional weeks, possibly three?"

Tony Fumarola: "Possibly four but right now yeah."

Mr. Hollum: "Ok so can we just assume four, worst case scenario?"

Kim Tranter: "That would be great."

Tony Fumarola: "I'm fine with that."

Mr. Russell: "Is the work getting done? What do you see?"

Kim Tranter: "What do you mean is the work getting done?"

Mr. Russell: "You said you have 150 or so?"

Tony Fumarola: "Right. Those are coming through alongside phone applications, mail applications, and people of course walking in with applications. It is just getting us behind on other activities that we need to be doing alongside conference calls and meetings and things. We are just anticipating it snowballing as it gets closer, which we already anticipated last year before everything happened and got derailed. Based on the volume we saw for the primary, we are expecting it to increase exponentially as we get closer to November."

Mr. Russell: "How did you do with the primary? How did that go with the extra person?"

Tony Fumarola: "We did bring in an extra person to help us and it was a tremendous help."

Mr. Russell: "Did it keep you above water?"

Tony Fumarola: "Yeah absolutely. It was definitely necessary."

Kim Tranter: "In 2016 we received, we processed 1,500 absentee ballot applications. We are already at that amount, we are on par to do in excess of 5,000 before even October 1st. So that means when we get our ballots in all 5,000 of those have to be prepared for an initial mailing plus the ongoing that are coming in. That is just a huge amount for a board of four."

Mr. Russell: "Everyone works seven hours a day but we have the opportunity to work eight hours if necessary."

Kim Tranter: "I work eight hours a day as it is. I work through lunch every day."

Mr. Russell: "Yeah I'm not talking about that. What are the people underneath you called?"

Mr. Wallace: "Deputies. Pat they are getting tremendous overtime already."

Mr. Russell: "The deputies are?"

Mr. Wallace: "Yes, tremendous."

Mr. Russell: "I wish I had known that."

Kim Tranter: "Not mine."

Mr. Malta: "I make a motion to move."

Mr. Russell: "You can move it but I'm not done talking. I just want to get an idea of what is going on. They could literally get hit with thousands and thousands of these so I want to make sure this is going to help."

Mr. Johnson: "I guess to follow Pat's point, Kim and Anthony, it sounds like you want to grow your department. This part time, it looks like you want to turn it full time, I am getting that vibe."

Kim Tranter: "No, I think Mr. Johnson that we don't. First of all there is really not room in our office for another person, we just want to be able to stay above the water level."

Mr. Johnson: "I will quote a former Legislator and all the older guys will laugh. Mr. Korce always wondered what you did the other weeks of the year. He knew you were busy but what goes on the other time I guess?"

Tony Fumarola: "Especially now with the change of the calendar, there is not that big of a 'down time' from say December to September. As soon as we get into January we are still finishing up the November election and we are getting ready to do petitions in February."

Mr. Hollum: "Can we kind of keep it on the subject we are dealing with, this is a conversation for another day."

Tony Fumarola: "We are always grateful for more help. This is not something we are looking for a permanent position. Maybe if you want to put a term on it, seasonal. We are not looking to have it every year."

Mr. Ackerman: "Mr. Chairman, I just have one question. If we add another person to the mix and that puts another person's hands on the ballots, I question who we bring in, not saying that you wouldn't do your due diligence to hire but you know after the last election where we did have some issues with that, I just worry about what the security is with the new person coming in for such a short period of time."

Tony Fumarola: "We are already setting up to better organize that system. The system was set up and did catch an issue and it was corrected. This person that we're looking for now is mainly a clerical, helping with phones, helping with the applications as they come in and possibly helping with the preparation for some of the ballots to go out. Not really any involvement in anything else."

Mr. Hollum: "Does anyone have any other questions?"

Mr. Smith: "Yeah I have one. How did you arrive at \$15 an hour?"

Tony Fumarola: "That is right now what we pay some of our poll coordinators and what we pay our temporary help that came in during the spring."

Mr. Russell: "I want to ask Jim Wallace if this amount of money we are paying is it consistent with other departments?"

Mr. Wallace: "The \$15 Pat?"

Mr. Russell: "Yes."

Mr. Wallace: "I don't think it is out of line."

Mr. Russell: "Ok that is all I'm wondering I don't want other departments.."

Mr. Wallace: "We'll always have that. You know that but I don't think it is out of line."

Mr. Russell: "Well that's why I am asking."

Mr. Hollum: "Ok does anybody else have questions or discussion?"

Mr. Malta: "The motion is 19 hours a week, \$15 an hour, for up to ten weeks."

Mr. Wallace: "Starting September 15th? That was per Tony."

Mr. Hollum: "Is that correct Tony and Kim?"

Kim Tranter: "Yes that is what we are asking for."

Mr. Ackerman: "How can we advertise in that short of time?"

Mr. Weakley: "Does it have to go through the full Legislature?"

Mr. Wallace: "This is a resolution."

Mr. Weakley: "Ok. I am good with it, I will second the motion."

Mr. Ackerman: "How do you advertise when they would be on the property in less than two weeks? I am not voting yes for anything until I know that. Number one I think it has to be open to the public and two I don't know if it should be a guaranteed ten weeks maybe an up to ten weeks."

Kim Tranter: "That's fine. We are good with that."

Mr. Wallace: "It is effective the 15th so if you don't hire somebody..."

Kim Tranter: "We have had a couple people in mind but they are not available. One of them has worked with us in the past but they are not available."

Mr. Hollum: "So you would have to advertise."

Kim Tranter: "We would make some phone calls to people that we know to see if they would be interested. You know some election workers that we have that have indicated they would be willing to take on some extra hours."

Mr. Hollum: "And Kurt you have to remember if anything were to happen it is their responsibility anyways. That is why we have department heads so we don't have to micromanage."

Mr. Ackerman: "I wasn't micromanaging. I was asking how we are going to advertise and have them on the property in less than two weeks. How do we do that?"

Mr. Hollum: "Well if they have somebody in mind they really don't have to."

Mr. Ackerman: "We aren't doing a background check? I want someone in there that goes through HR. That's just my thought process if you don't want to answer my questions that's fine. We haven't done any background check or anything, just stick them in the Board of Elections and then we go through another situation and have another black eye on our face, I just don't think we need that."

Tony Fumarola: "I mean we would go through normal HR requirements."

Mr. Ackerman: "Yeah, how are we going to do that and post the position? Unless people in the county know there is an open part time position, with a lot of people looking for work and have them on property in ten days? It still has to go through the full Legislature if I'm not mistaken."

Mr. Hollum: "This is just a resolution."

Mr. Ackerman: "I know that. I'm saying how do we get them on the property by the 15th if we do everything right?"

Mr. Bono: "Do you guys want to have a special meeting? We can have a special meeting just let

me know. We can do it tomorrow I don't care."

Mr. Ackerman: "I just want to know are we posting this so everybody has an opportunity to apply? I am asking how are we going to post the position and have them on the property by 9/15?"

Mr. Bono: "We back date it."

Mr. Ackerman: "You have to post it. I'm saying we should open it up so people can apply. That is all I'm asking."

Mr. Schrader: "Kim don't we have someone that works there during the summer that is familiar with the system?"

Kim Tranter: "Yes, she has gone back to school and is not available. That was our first choice. The girl we had for the primary election is also back in school."

Mr. Ackerman: "All I'm asking is are we going to post this position?"

Kim Tranter: "I don't necessarily want to post this position because then it's open for application to everybody and not everybody is suitable to work in the Board of Elections."

Mr. Ackerman: "That's why you go through the resume, you may get someone that has 20 years of experience from another county that we don't know about and we're missing that opportunity because we're not going to post it."

Kim Tranter: "Whatever you guys decide. All we are doing is, we are just asking for some help because we already see a huge impact on our office and there are only four of us. That is all we are asking for."

Mr. Russell: "Steve Billings would you come on and tell us how department heads hire people?"

Steve Billings: "Sure. So in this type of situation it would be up to the department if they wanted to post it internally or not, we're not required to. We usually post if we want to put it out there to the public, you don't always have to do that. Some positions we are required to post because of union contracts but this would not be one of them. So it is really up to the department how they want to advertise and try to get applicants for this position. That would be up to the department. If they want to put it out there and sort through resumes and look that's fine. If they have somebody that they are already interested in then that is really their decision to do that."

Mr. Russell: "My take on this is that there are concerns about what happened in the past and making sure the right person is on board going into the future. I don't want to put words in your mouth Kurt but is that what you are getting at?"

Mr. Ackerman: "That is definitely part of it and the other part is opening it up for a good candidate. I think people should have the opportunity to apply."

Mr. Russell: "Ok."

Mr. Ackerman: "But yeah Pat you are right on the first one."

Item #2 - On motion of Mr. Malta, seconded by Mr. Weakley for Administration/Veterans' Affairs, and on motion of Mr. Stephens, seconded by Mr. Bono for Ways & Means, Item #2 was voted on, approved and moved for Resolution. Unanimous.

Mr. Hollum: "Third on the agenda is to approve election expenses in the Board of Elections. Due to the Governor's Executive Order 202.58 the Board of Elections must mail out by September 8th voting information mandated by the Governor. Originally the cut off was going to be around \$20,000, they shopped around and they were able to get the total down to around \$10,000 maybe a little under. This is mandated. They do have it in their budget. Anthony and Kim would you like to add anything to that?"

Kim Tranter: "The only thing I would like to add is that it's not a generic mailer to every voter, it is specific to their poll site. Their poll site will be indicated on the mailer. That allows us to save some money for another mailer that we would have been required to do about two poll site changes. Also I spent a considerable period of time on the phone with a United States Postal Service representative for our region and she confirmed that we are able to use the non-profit mailing status for this mailer that we obtained in 2017 so that drops our postage rate from around 54 cents down to about 17 cents per card. We also determined that instead of having to send it to every single registered voter, we can send it to each household. That also helped us to save some money. So this was mandated by the Governor. We had seven or eight days to complete the assignment including the prep time for over a weekend and a holiday."

Mr. Hollum: "One of the reasons why they were able to cut it in half."

Mr. Wallace: "Mr. Chairman, Jim and I reached out to our control group and told them they are breaking the rules and is there a waiver from the Governor for us to break all of the rules to not follow government policy and we were told tough beans, do it. I want to make sure that is part of the record, the Governor's office said that the Elections office has to move forward and don't worry about any regulations because we are the only ones crying about it. Thank you Mr. Chairman."

Item #3 - On motion of Mr. Johnson, seconded by Mr. Russell for Administration/Veterans' Affairs, and on motion of Mr. Johnson, seconded by Mr. Russell for Ways & Means, Item #3 was voted on and approved. Unanimous.

Tony Fumarola: "Mr. Hollum this is Tony, Board of Elections. A part of the Cyber Security grant that we just went over today, there are several expenses that Mike Testa and the gentleman from the State organization had already kind of had written up. I didn't know if we add these today if it would be part of the approval so once we get everything signed off on we could move forward?"

Mr. Hollum: "How much are the expenses?"

Tony Fumarola: "There is solar wind software for \$18,000, software education for phishing attempts \$18,000, there's further software monitors for suspicious activity for \$12,000, vulnerability scans at \$1,200, operating system updates for \$1,000. Basically this would spend out the entire grant."

Mr. Hollum: "So that is the stuff that would be funded through the grants?"

Tony Fumarola: "Correct."

Mr. Russell: "I'm confused now because we already have expenses with cyber security remediation and mitigation grant. The expenses are already listed on here so where is the other money coming from?"

Mr. Hollum: "I think he is just referring to the expenses that are listed."

Mr. Wallace: "Yeah that would be effective the day of the Legislative meeting."

Mr. Hollum: "Ok so you would have to wait until the day of the Legislature meeting to go forward with that. Those are the expenses that were figured in already, Cyber Security grant for \$11,000, Cyber Security Grant software \$29,000."

Tony Fumarola: "I believe so, yeah. It is all a part of the Cyber Security remediation."

Mr. Hollum: "That was figured in as part of the expenses."

Tony Fumarola: "Ok I apologize."

ADMINISTRATION/VETERANS' AFFAIRS:

Mr. Hollum: "Ok under other before I ask everybody, I do have something. I sent everyone a copy of this memorandum in opposition to Assembly Bill A10755 which prohibits peace officers from carrying firearms. I was wondering if the committee would like to move forward the drafting of a resolution opposing this bill? Hopefully you guys have had a chance to look at it, any questions on it?"

Other - POA opposition to Bill A 10755

Item#4 – On motion of Mr. Bono, seconded by Mr. Weakley, Item #4 was voted on, approved, and moved for Resolution. Unanimous.

Mr. Ackerman: "At the end of all of our committee meetings can we go into executive session to discuss the matter of a personal hire?"

Mr. Hollum: "Absolutely. I think I know who you are referring to."

Mr. Ackerman: "Thank you very much."

Mr. Hollum: "You're welcome. Is that ok to do?"

Mr. Bono: "Is it a specific employee?"

Mr. Ackerman: "Yes."

Mr. Bono: "I would suggest you do this at the very end so we don't have to keep doing this."

Mr. Hollum: "Yeah I think that is what he was saying."

Mr. Wallace: "Don't adjourn your committee. We will go in recess."

At 10:40 a.m. the Administration/Veterans' Affairs recessed.

The Ways & Means Committee continued.

At 11:42 a.m., the Administration/Veterans' Affairs Committee reconvened.

On motion of Mr. Malta, seconded by Mr. Weakley for the Administration/Veterans' Affairs Committee, and on motion of Mr. Stephens, seconded by Mr. Smith for the Ways & Means committee, the committees went into Executive Session at 11:42 a.m., under Public Officer's Law, Section 105 (f). Discussion only. No vote taken. On motion of Mr. Weakley, seconded by Mr. Malta for the Administration/Veterans' Affairs Committee, and on motion of Mr. Stephens, seconded by Mr. Russell for the Ways & Means the committees came out of Executive Session at 12:04 p.m.

On motion of Mr. Weakley, seconded by Mr. Malta for Administration/Veterans' Affairs, the committee adjourned at 12:07 p.m.