

REGULAR MEETING, TOWN OF RANDOLPH, October 11, 2023

A regular meeting of the Town Board of the Town of Randolph, County of Cattaraugus and the State of New York was held at the Municipal Building, 72 Main Street, Randolph, NY on the 11th day of October 2023.

PRESENT: Dale Senn ----- Supervisor
Tim Beach ----- Council Member
Amber Frame ----- Council Member
Nate Root ----- Council Member
Bob Learn ----- Council Member
Gretchen Hind ----- Clerk
Cody Uhl ----- Superintendent of Highways

ABSENT: Bridget Marshall ----- Attorney

OTHERS PRESENT: Don McElwain & Ashton O'Brien -Water Dept.; Harry Uhl; Elise Gorth - Randolph Register and other members of the public

CALL MEETING TO ORDER

Supervisor Senn called the meeting to order with the Pledge of Allegiance.

Harry Uhl opened meeting with a prayer.

BID OPENING: ROOF REMOVAL & REPLACEMENT-15 WADSWORTH ST.

Aces Up Construction: \$33,000
Jamestown Roofing: \$95,000

PUBLIC

Pat Kibbe: Spoke regarding the proposed NY Citizens Audit Resolution. She asked the Board to please critically think about the resolution and be mindful before adopting.

Tom Lecceardone: Contacted Supervisor Senn regarding the proposed NY Citizens Audit Resolution. He asked that the Board keep national politics out of the local level.

Randy Barber: Randy Barber, NY Citizens Audit, discussed voter fraud in NYS and the proposed resolution.

Sal: Questioned the proposed NY Citizens Audit Resolution stating that if there was illegal activity it should be the DA acting upon it. He also wanted to know if there was any proposed sidewalk work anticipated for School Street.

RESOLUTION 103-2023

MEETING MINUTES

On a motion of Councilmember Beach, seconded by Councilmember Learn, the following resolution was

ADOPTED Ayes 5 Senn, Beach, Frame, Root, Learn

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Nays 0

Resolved that the Board approves the meeting minutes from September 13, 2023 as submitted,

REPORT OF TOWN OFFICIALS

TOWN JUSTICE – Will supply annual report at year end.

CODE ENFORCEMENT

3 permits for a total of \$175 were issued for September 2023.

RACDC- No report

Monthly Report of the Supervisor – BLB submitted the September 2023 Financial Report to the Board.

CLERK

Clerk Hind submitted the monthly report for September 2023 to the Board. The local shares were Town-\$620.00; Supervisor - \$853.47.

SUPERINTENDENT OF HIGHWAYS

Superintendent Uhl provided a detailed report on the activities for the month of September 2023.

WATER/SEWER

Don McElwain reported monthly activities to the Board and discussed an incident on 9/16 that someone entered the fence and pulled the circuit box causing the generators to engage. It was reported to law enforcement.

SAMPLE HILL

Sexton, Cody Uhl reported on activity -2 grave footers poured.

COMMUNICATIONS

OLD BUSINESS

RESOLUTION 104-2023

AUDIT OF THE NYS 2022 GENERAL ELECTION

On a motion of Councilmember Beach, seconded by Councilmember Root, the following resolution was

ADOPTED Ayes 5 Senn, Beach, Frame, Root, Learn
 Nays 0

Resolved that the Board approves the resolution as submitted by the NY Citizens audit as attached to the minutes.

NEW BUSINESS

RESOLUTION 105-2023

2024 TENTATIVE BUDGET

On a motion of Councilman Root, seconded by Councilman Beach, the following resolution was

ADOPTED Ayes 5 Learn, Frame, Senn, Root, Beach
 Nays 0

Resolved that the Town of Randolph approves the 2024 Tentative Budget as the 2024 Preliminary Budget.

RESOLUTION 106-2023

PUBLIC HEARING FOR 2024 PRELIMINARY BUDGET DATE

On a motion of Councilman Learn, seconded by Councilwoman Frame, the following resolution was

ADOPTED Ayes 5 Learn, Frame, Senn, Root, Beach
 Nays 0

Resolved that the Town of Randolph schedule the Public Hearing on the 2024 Preliminary Budget for November 8, 2023 at 7:30 PM.

RESOLUTION 107-2023

2023 WATER and SEWER RELEVY

On a motion of Councilman Learn, seconded by Councilman Beach, the following resolution was

ADOPTED Ayes 5 Learn, Frame, Senn, Root, Beach
 Nays 0

Resolved that the Board approves the 2023 Water and Sewer Relevy to be submitted to Cattaraugus County.

RESOLUTION 108-2023

WILLIAMSON LAW BOOK WATER/SEWER ANNUAL CONTRACT

On a motion of Councilman Root, seconded by Councilperson Beach, the following resolution was

ADOPTED Ayes 5 Beach, Senn, Frame, Root, Learn
 Nays 0

Resolved that the Board authorizes Supervisor Senn to sign the Annual Software Support Contract with Williamson Law Book Company for Water/Sewer Billing software.

RESOLUTION 109-2023

AMENDED B&L ENGINEERING CONTRACT – SEWER PROJECT

On a motion of Councilman Beach, seconded by Councilperson Root, the following resolution was

ADOPTED Ayes 5 Beach, Senn, Frame, Root, Learn
 Nays 0

Resolved that the Board approves and authorizes Supervisor Senn to sign the amended contract

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with B&L for engineering services for the upcoming sewer project.

RESOLUTION 110-2023

BID AWARD - ROOF REMOVAL AND REPLACEMENT - 15 WADSWORTH ST.

On a motion of Councilperson Frame, seconded by Councilperson Beach, the following resolution was

ADOPTED Ayes 5 Beach, Senn, Frame, Root, Learn
 Nays 0

Resolved that the Board awards the Roof Removal & Replacement of 15 Wadsworth Street Project to the lowest responsible bidder, Aces Up Construction in the amount of \$33,000 upon Highway Superintendent Cody Uhl's review.

RESOLUTION 111-2023

ACCEPT BID AMOUNT FROM AUCTIONS INTERNATIONAL FOR 2001 MACK

On a motion of Councilman Learn, seconded by Councilperson Beach, the following resolution was

ADOPTED Ayes 5 Beach, Senn, Frame, Root, Learn
 Nays 0

Resolved that the Board accepts the bid of \$17,300 for the sale of the 2001 Mack placed with Auctions International.

RESOLUTION 112-2023

CROWLEY STREET WATERLINE REPLACEMENT NOTICE TO PROCEED

On a motion of Councilmember Root, seconded by Councilmember Beach, the following resolution was

ADOPTED Ayes 5 Senn, Beach, Frame, Root, Learn
 Nays 0

Resolved that the Board authorizes Supervisor Senn to sign the Notice to Proceed with Legend Excavating for the Crowley Street Waterline Replacement Project.

RESOLUTION 113-2023

PLANNING BOARD RESIGNATION

On a motion of Councilmember Root, seconded by Councilmember Beach, the following resolution was

ADOPTED Ayes 5 Senn, Beach, Frame, Root, Learn
 Nays 0

Resolved that the Board accepts the resignation of Planning Board Chair Kyle Brown.

RESOLUTION 114-2023

AUTHORIZE HIGHWAY EMPLOYEES TO HANG SIGN FOR PAY-IT-FORWARD

On a motion of Councilperson Frame, seconded by Councilperson Learn, the following resolution was

ADOPTED Ayes 5 Beach, Senn, Frame, Root, Learn
 Nays 0

Resolved that the Board authorizes Town highway employees to hang a sign across Main Street for Pay-It-Forward if they receive NYS DOT approval.

RESOLUTION 115-2023

BUDGET MODIFICATIONS & TRANSFERS

On a motion of Councilperson Beach, seconded by Councilperson Root, the following resolution was

ADOPTED Ayes 5 Senn, Beach, Frame, Root, Learn
 Nays 0

Resolved that the Board authorize the following budget modifications & Transfers:

GENERAL FUND

BUDGET TRANSFER:

- \$103 FROM A1990.4 - SPECIAL ITEMS - CONTINGENT
- \$103 TO A1410.4 - TOWN CLERK - CONTRACTUAL
- \$85 FROM A1990.4 - SPECIAL ITEMS - CONTINGENT
- \$85 TO A8810.1 - CEMETERY - PERSONAL SERVICES

HIGHWAY FUND

BUDGET MODIFICATION:

We resolve to increase the Highway Fund 2023 expenditure budget by \$549 due to the sale of scrap materials. This will increase accounts DA2650 - SALES OF SCRAP MATERIALS and DA5130.4 - MACHINERY - CONTRACTUAL.

RESOLUTION 116-2023

AUDIT OF BILLS

On a motion of Councilman Learn, seconded by Councilmember Frame, the following resolution was

ADOPTED Ayes 5 Senn, Beach, Frame, Root, Learn
 Nays 0

ABSTRACT #10

General Fund	No. 236-264	\$23,062.67
Street Lighting District		1,652.04
Snow Removal District		0

Fire District		0
Wooden Rd. Water Line		0
Highway Fund	No. 153-173	283,772.79
TAP CAPITAL PROJECT	No.	0
Sewer Fund	No. 99-108	3,393.52
Water Fund	No. 157-177	10,791.13

With no further business, on a motion from Councilman Learn, seconded by Councilman Beach the meeting was adjourned at 8:30 PM. Carried unanimously.

Gretchen Hind, RMC/CMC Town Clerk



Resolution for an Audit of the New York State 2022 General Election




Whereas It is a recognized civil right in the United States for every citizen to have free and fair elections. “And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” (Reynolds v. Sims, 377 U.S. 533 (1964))

Whereas It is the affirmative duty of our election officials to comply with all Federal and State laws governing administration and procedure of our elections, thereby guaranteeing our elections are accurate and free of distortion or manipulation.

Whereas Our constitutional system of representative government only works when the worth of honest ballots is not diluted by invalid ballots procured by corruption, and assuring accuracy can only be achieved through the operational integrity of our elections, as defined by those laws governing the following five processes:

1. Rigorous Verification of Voter Identity.
2. Proven Ballot Security and Intact Chain of Custody.
3. Voting Systems Certified to be Secure from Operational, Physical and Cyber Threats.
4. Meets All FISMA and State Operational and Risk Assessment Requirements.
5. Meets Auditability and Traceability Requirements and Operational Policy.



Whereas An open-source audit of the New York State 2020 General Election conducted by New York Citizens Audit has uncovered evidence of massive inaccuracies that violate both Federal and State laws, including:


- ◀ **2,427,827** NYSVoter ID numbers attached to **1,170,790** registrants.
- ◀ **740,396** ineligible votes cast Statewide.
- ◀ **338,356** more votes cast than voters who voted.
- ◀ **987,490** voters who registered on January 1st from 1900 to 2021.
- ◀ **1.9MM** registrations in the state voter rolls missing from the county rolls.
- ◀ **625,359** more registrations than voting-age citizens in six counties alone.
- ◀ **195,271** votes cast in New York City that went missing in the NYSVoter database.
- ◀ **1,000,000+** felony violations of New York State Election Law.
- ◀ **95** State and Federal legislative races impacted by **740,396** ineligible votes.
- ◀ Abandoned ballots and ballot payment schemes.
- ◀ Certification as defined by law was provably fraudulent and illegal.

Whereas These findings trample accuracy requirements of voting systems for a Federal Election, wherein the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions. For a voting system, accuracy is defined as the ability of the system to capture, record, store, consolidate and report the specific selections and absence of selections, made by the voter for each ballot position without error.

Whereas It must be known factually, and provably, that the intent of the voters is accurately represented by election results before certification can be lawfully conducted. Certification of an election that varies from the law is an abridgement of the civil rights of the citizens, a Fraud ab Initio (*United States v. Throckmorton*, 98 U.S. 61 (1878)).

Whereas State and Federal Officials have met the efforts of New York Citizens Audit to seek redress for these egregious violations with indifference and inaction, including the Attorney General, Secretary of State, State Board of Elections, Inspector General, Federal Bureau of Investigations, State Leadership of Democrat and Republican parties, County Election Officials, Sheriffs, District Attorneys, and others.

Whereas None of these violations were addressed prior to the administration and certification of the 2022 General Election, and there prevails a spirit of extreme contention and zero trust between people of differing political ideologies across New York, which is destructive to our families, our way of life, and the fabric of these United States.



Therefore We call upon our Representatives including Town Board Members, County Legislators, State Legislators, Federal Legislators, Law Enforcement, Federal and State Prosecutors, and Judges to provide relief to the people, and the assurance of domestic tranquility, through the fulfillment of each of the following firm requests:

1. A complete end-to-end audit of the New York State 2022 General Election, for both paper and electronic records, including ballots, by a mutually agreed upon external, third-party bonded auditing firm, possessed of adequate insurance and indemnification for the handling and protection of the personal identifying information of millions of New York citizens, in order to determine the true error rate. This audit will provide a comprehensive report and analysis of all lapses and errors with explanation of cause where it can be determined.
2. The enactment of legislation defining a mutually agreed upon process by which an end-to-end audit would be triggered in any future elections.
3. The enactment of legislation defining a mutually agreed upon accuracy rate for the NYSVoter and County voter roll databases.
4. The enactment of legislation allowing for anonymous vote verification and tracking by the voter (open-source, royalty-free patent pending), including automatic mechanisms to report and remedy errors during the canvass period following an election, regardless of ballot entry source.
5. Criminalize election misconduct explicitly with regard to State election law, and increase penalties to reflect the societal and generational harms inflicted by these crimes.

— Resolution on following page —



Be it Resolved

That the Town of Randolph, NY stands in support with the concerns and remedies presented here. We implore the Cattaraugus County Legislature, NYS Legislature, Federal Legislators, Law Enforcement, Federal and State Prosecutors, Judges, and both State and County Boards of Elections to cooperate and fulfill these firm requests of the people.

RESULTS OF THE VOTE	YEA	NAY	SIGNATURE
Supervisor Dale Senn	_____	_____	_____
Councilman Timothy Beach	_____	_____	_____
Councilman Nathan Root	_____	_____	_____
Councilman Robert Leam	_____	_____	_____
Councilwoman Amber Frame	_____	_____	_____

As recorded on the _____ of _____, 2023.



Appendix to the Resolution

Research Sources for the Open-Source Audit by New York Citizens Audit:

- A copy of NYSVoter database obtained via FOIL request from the NYS Board of Elections on October 21, 2021.
- Copies of County voter rolls obtained via FOIL between September-December 2021.
- 2020 Certified Statewide General Election Results, downloaded from the official website of the NY Secretary of State.
- Firsthand witness reports and affidavits.

Relevant Laws applicable to an End-to-End Audit:

- US Constitution; Article 1, Section 4.
- H.R. 2 The National Voter Registration Act of 1993 (Pub. L. 103-31).
- H.R. 3295 The Help America Vote Act of 2002 (Pub.L. 107-252).
- Federal Election Assistance Commission Voting System Standards Volume I: Performance Standards, April, 2002.
- Federal Information Security Modernization Act of 2014 (Public Law 113-283). originally Federal Information Security Management Act of 2002 (Public Law 107-347 (Title III)).
- National Institute of Standards and Technology SP 800-53: Security and Privacy Controls for Information Systems and Organizations.
- FIPS 199 - Standards for Security Categorization of Federal Information and Information Systems.
- U.S. Code: Title 52; Subtitle I—Voting Rights (§§ 10101 – 10702), Subtitle II—Voting Assistance and Election Administration (§§ 20101 – 21145) including:
 - ◆ 52 USC §10101(b)—Intimidation, threats, or coercion.
 - ◆ 52 USC §10307(c)—False Information in, and Payments for, Registering and Voting.
 - ◆ 52 USC §20701—Retention and preservation of records and papers by officers of elections.
 - ◆ 52 USC §20702—Theft, destruction, concealment, mutilation, or alteration of records or papers.
 - ◆ 52 U.S. Code § 21081—Voting systems standards (HAVA).
 - ◆ 52 U.S. Code § 21083—Computerized statewide voter registration list requirements and requirements for voters who register by mail.
- 18 USC §241—Conspiracy Against Rights.
- 18 USC §242—Deprivation of Rights Under Color of Law.
- 18 USC §1519—False Records in the Administration of a Federal Matter.
- 18 USC §1028A—Aggravated Identity Theft.
- 18 USC § 514—Fictitious obligations.
- Consolidated Laws of New York; Chapter 17, Elections.
- New York Codes, Rules, and Regulations; Title IX Executive Department, Subtitle V—State Board of Elections.
- NY Penal Law, Part 3, Title K § 190.80 Identity theft in the first degree.
- NY Penal Law, Part 3, Title K §170.10 forgery in the second degree.



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