

# League of Women Voters

## Bloomington - Monroe County



## League Letter – February 2016

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### Calendar

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| Feb 3  | Member meeting: National and local program planning<br>11:30 a.m., MCPL Room 2A                                |
| Feb 4  | Public event: Vi Simpson, “How Does the State School Funding Formula Work,” 7:00 p.m., MCPL Room 2B            |
| Feb 6  | Legislative Update, 9:30 a.m., City Council Chambers   |
| Feb 8  | Board meeting, 7:00 p.m., Bell Trace Community Room  |
| Feb 21 | LWVIN Presidents’ Day, Indianapolis  |
| Feb 24 | Public event: Tim Thrasher, “Indiana State School Funding from the Local Perspective,” 7:00 p.m., MCPL Room 2B |
| Mar 2  | Member meeting: Local program planning<br>11:30 a.m., MCPL Room 2A   |

*Note: No Legislative Update in March.*

### What’s Inside

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### Mission Statement

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through advocacy and education.

## ANNUAL MEETING -- SAVE THE DATE!

Our annual meeting will be the evening of Wednesday, May 4 at the Monroe County Public Library, room to be announced but hopefully Room 1B (it can't be reserved until 90 days before the meeting). The board choice to meet at the MCPL was so we can have a good opportunity for discussion as we look ahead to the 2016-2017 year. Please plan to attend!



### PRESIDENT'S LETTER: **Kate Cruikshank**

January means the frenzy of the state legislative session begins, into which our legislators launched us with our first Legislative Update on January 9. Rachel Guglielmo and I are acting as Issues Advocates for the LWVIN, which has contributed to the frenetic feeling for me at least; the article in this newsletter about LWVIN Issues Advocacy will give you a sense of the activity involved. While it adds yet one more bit of craziness to one's life, being engaged in this important work is exhilarating, as we try to perfect a process for reaching all our League members across the state to empower them to influence their legislators. I would encourage all of you to consider becoming involved in this. As the article about Monroe County Clerk Linda Robbins' battle to protect voter intent indicates, it can be pretty exciting.

I've also joined Helen Hollingsworth and her back-up, Jim Faber, in observing the Monroe County Commissioners, both for their regular meetings and during staff time, in order to get a sense of the dynamics of their work. Despite having taken the Monroe County Citizens' Academy several years ago -- which I highly recommend -- I am learning a lot. Because I am a congressional archivist by profession and a historical researcher by avocation and thus concerned with documenting and preserving government records, I've started conversations with the Commissioners' administrator about how their work is documented for future reference. As we all know, it is easy to become so involved in our day-to-day work, for which there is never enough time, that we forget to leave a paper trail that would allow others to follow our progress and then build upon it. Certainly our League has experienced some of consequences of that following the tragic loss of Natalie Wrubel, whose service to our League was so long and substantial. Government agencies and elected officials face the same pressures, and it may be that part of our job in observing them should include attention to the completeness of the public record on which their successors will want to build.

This attention to local government comes with some relief after our intense work on the LWVUS review on money in politics and the study on amending the Constitution. With reference to the latter, please be aware that there is before the Indiana Senate a resolution (SJR 14) for a call to Congress for an Article V Constitutional Convention to consider the following: "(1) Impose fiscal restraints on the federal government. (2) Limit the power and jurisdiction of the federal government. (3) Limit the terms of office for its officials and for members of Congress." By the time you read this, it will have received its second reading in the Senate, scheduled for January 28. (There's also one in the House, HJR 5, "for the specific and exclusive purpose of proposing an amendment repealing the 17th Amendment to the Constitution of the United States concerning the direct election of United States

Senators,” which doesn’t seem to have gotten a committee hearing.) This brings home the fact that our work on the LWVUS program and our local concerns are not disconnected.

The connection between the two should become more evident in the coming biennium if the LWVUS program proposal is enacted. We have the opportunity to have a say in that as we consider national program at our February 3 member meeting. Please read over the Report on Program carefully in preparation for that. I look forward to seeing you there.

## Reports on Program

### **LWVUS PROGRAM PROPOSAL: Kate Cruikshank**

For the 2016-2018 biennium, the LWVUS is proposing a focus on *Making Democracy Work*, which they hope to have confirmed by local League input and the 2016 Convention. Below is a portion of their text describing the proposal and how to participate in national program planning. This will provide our agenda for our February 3 planning meeting. We are asked to provide our input via a response form by March 1.

#### **Looking Ahead to 2016 and Beyond**

##### **Overview of a Possible Program Focus: Making Democracy Work**

As Convention 2016 and Election 2016 and their outcomes draw near, it is abundantly clear that our work is far from finished in *making democracy work* for every voter and every voice in our communities. From our interactions with League leaders and members, from the results of a recent member survey, and based on the political outlook for the next two years, we believe that every League will likely continue to focus resources on the core democracy issues that are part of the 2014-2016 program. The LWVUS Board believes that our 2016-2018 program should recognize this reality and do the same. The opportunities that we see over the next biennium are as follows:

- ***Voting Rights and Voter Protection***

In Congress, we must continue to push for restoration of the Voting Rights Act by supporting the bipartisan Voting Rights Advancement Act (VRAA). We must continue to support positive reforms such as online voter registration for all, portable voter registration within each state, and reforms to provisional voting, areas for which there are already pending bills. We must continue pushing this administration and the next to comply with the National Voter Registration Act by allowing voters to register through the federally-facilitated health care exchanges.

- ***Money in Politics***

Congress can take action to reform money in politics. Including the Stop Super PAC-Candidate Coordination Act in the House, there is legislation on each of the three pillars of our work on campaign finance: disclosure, stopping Super PACs, and public financing of congressional and presidential elections. There is also an anti-bundling bill. In addition, Congress can and must ensure meaningful enforcement of existing and future laws. The Federal Election Commission can’t fix itself, but Congress surely can. These reforms can be made despite recent decisions of the Supreme Court.

- ***Supporting Voting Rights and Voter Protection in the States***

In the states the fight continues in statehouses and courthouses to prevent legislation that suppresses the vote. Support also continues for reforms like on-line voter registration and expansion of early voting. These efforts are most successful when state Leagues can rely on LWVUS for resources in the form of shared expertise and coordination of strategies and messaging. State Leagues play a critical role, too, in developing partnerships and coalitions to protect the vote, not only in state legislatures but also in local communities. Collaborating with LWVUS, state Leagues take the leading role in advocacy for voter protection but also in coordinating statewide campaigns around voting issues.

- ***Supporting Voting Rights and Voter Protection in Local Communities***

In recent years local League voter service has joined the front lines of voter protection. The 2016 election will be the first presidential election in 50 years in which voters cannot rely on the protections of the Voting Rights Act to ensure free and fair access to the polls. Never has a local presence--real people in real communities--been a greater asset for the League. Registering voters in underserved communities, high schools, community colleges, and at naturalization ceremonies has become the primary focus of our voter service work. Long-standing relationships with elections officials have already produced good results in preventing careless or not so careless decisions regarding precinct locations and distribution of polling place resources in the wake of the Shelby decision. More is required. It is critical that, in this upcoming election, we promote and support a local presence in our most vulnerable communities by working together with community partners and using our 95 years of election experience to protect voters in the next election.

- ***Voting Rights and Voter Protection Following Election 2016***

The past five years have shown that elections have important consequences for both candidates and voters. Long lines at the polls in 2012 prompted the president to appoint the Presidential Commission on Election Administration to examine best election practices from the perspective of voter experience. The resulting recommendations provide an excellent road map for election reform at state and local levels. The League and our partners will be on the ground next November, but our election observations are meaningless unless we take them back to the appropriate decision makers.

Election 2016 will be the most expensive in our history. The issue of money in politics does not end the day after an election, nor is it confined to federal elections or the federal government. Leagues are working hard to update our campaign finance reform position, and it is incumbent on all of us to work at every level of government to ensure that power is in the hands of the many and not the few.

Redistricting reform continues to be a goal for the League. Armed with a position every state League can use, we look forward to more robust efforts to accomplish this goal. LWVUS will provide both venues for coordination and expert assistance. Progress has been made already, but League-wide support can strengthen the effort.

In addition, given the current political climate, there will likely be continued calls to amend the U.S. Constitution through a convention. The lessons learned through our study of the amendment process will inform LWV's education and advocacy in this area.

## How to Participate in LWFVUS Program Planning for 2016-2018

In providing input, we ask that your central focus be on where the League should put its energies and resources in the coming biennium. Consider:

- In what way can the League best empower citizens to shape a better nation and communities during the next two years?
- What do our communities and nation need from the League right now?
- Where can the League's strengths have the greatest impact?
- What program work would best help enhance the League's influence, credibility, visibility, and membership?
- Should the focus be that proposed by LWFVUS: a nationwide League campaign: *Making Democracy Work*, taking the power from the few and returning it to the many, as the single focus for LWFVUS education and advocacy work in the 2016-2018 biennium? If the answer is "yes," what specific activities should be included in the campaign? What kinds of training and assistance would enhance your League's participation in the campaign?
- If your League would rather recommend another issue for education or advocacy as an alternative to the proposed focus, provide the details of your proposal, including a statement of the problem that needs to be addressed, an analysis of the unique role the LWV can play in helping resolve the issue, and a description of some of the specific activities the League could undertake on the issue.

### Response Form

**1. Do you support the proposed program focus, *Making Democracy Work*, for the 2016-2018 biennium? (Yes/No)**

**2. Would you like to recommend another program item, in addition to or instead of *Making Democracy Work*? (Yes/No)**

*Please provide a statement (300 words or less) describing the scope of your proposal, including a description of the issue area, its importance in advancing the League's mission and resources that would be required.*

**3. What LWFVUS positions does your League use to take action at the state and local level?**

**4. Comment Section**—*Optional comments (300 words or less) may be added here.*

## Reports on Voter Service

### **VOTER SERVICE IS UNDERWAY!: Diane Legomsky**

The Voter Service Committee is planning a series of Voter Registration projects – designed to reach both the general population as well as the youth and the underserved. We have plans to reach the parents of MCCSC children, as well as the homebound and elderly, high school students, and low-income residents.

We are working with Election Central at the Monroe County Voter Registration Office, the MCPL, the MCCSC, and IU student groups.

Our plans are to initiate our *Get Out the Vote* project right after the primaries.

We very much need your help for this work that is so central to our mission and so vital for citizen empowerment. Our next meeting is FRIDAY, JANUARY 29, at 11:30 at MCPL, Room 2A.

If you are not able to attend, but would like to help, please contact Diane Legomsky, 812-822-2778 or [diane.legomsky@gmail.com](mailto:diane.legomsky@gmail.com).

### **LEGISLATIVE UPDATE REMINDER**

The Legislative Update will be February 6 at 9:30 in the City Council chambers of the Showers Building. We can't get the City Council Chambers for March 5, so the March update is cancelled. As in the past, these will be taped by CATS and rebroadcast. However, if you can attend in person, please plan to do so. The quality of the information we get depends to a great extent on the questions we ask.

## News from the State Legislature

### **LWVIN ISSUES ADVOCACY - Kate Cruikshank**

The LWVIN Issues Advocacy Committee has been testing its process in the first weeks of the legislative session. You will have received at least two updates or calls to action by the time you read this newsletter. Rachel Guglielmo and Kate Cruikshank of our League are on that committee, monitoring gun control and voting issues respectively.

Advocates monitor the Indiana General Assembly website at least daily. Before the session begins in January and until the end of the first week of the session, bills are filed by their authors and appear in a list in the Legislation section of the website. For this short session, each member of the House may file five bills and each senator ten. Links on the website from the number and name of each bill provide a summary of the bill and information on who authored it, the committee to which it has been assigned, what actions have been taken on it, and a pdf of the bill itself.

Once the bills to monitor have been identified, the LWVIN advocates check the Sessions section of the website to look at the session calendars for each house in order to see the deadlines for bills to be reported out of committee (if the committee chair has allowed them to be considered); then the deadlines for second reading, which is when they can be amended on the floor of the house where they were introduced; and for third reading, which is when they will be voted upon. The schedule also shows which days of the session are Committee Days, although committees also meet outside of those days, either before or after the sessions of the full House and Senate. Because the time frame is so short, especially in short sessions of the legislature (which occur in even-numbered years), this information is essential to planning any League action.

The Committees section of the website includes the schedules for committee meetings and the bills that will be considered in those meetings, including whether they are receiving testimony. If they are, this is the opportunity for a call to action by the League membership and/or for League advocates to appear before the committee and make a statement of the League's position for or against the bill. These opportunities to testify can come and go with lightning speed, and advocates have to monitor the website constantly.

The webpage for each bill will show the Bill Actions, including when it is passed out of committee. Once this happens, advocates monitor the Sessions section of the website, which gives the Daily Calendar each house, including which bills will be considered that day, whether they are being given second reading (with amendments being introduced), or third reading (being put to a vote).

As League advocates monitor the bills, there are opportunities for a call to action to go out to League members at several different points. When the bill is first assigned to a committee, League members may be asked to contact the legislators from their area who serve on that committee. If the committee is taking testimony, the call may go out for League volunteers to testify. Once the bill is reported out of committee, League members may be asked to contact the legislators in that house (House or Senate) to urge their vote in favor or against it. When the midpoint of the session is reached, at which bills that have passed the House are sent to the Senate for consideration and vice versa, the whole process begins again, with bills being assigned to a committee, reported out (or not), and voted on, and again there are the same opportunities for input from League members.

Because it is essential that any League action be grounded in a League position, advocates draft their calls to action for review by the LWVIN board and the Issues Advocacy Committee, which is to take place within 24 hours. If approved, the LWVIN co-presidents send the call to action out to local League leaders, asking them to forward the call on to their members. If the LWVIN board and Issues Advocacy Committee cannot come to consensus on a call to action, it is not sent out, although information on the bill may be provided to League members to encourage them to study the bill and reach their own decisions. Because only the LWVIN co-presidents may speak for the League, any action to which individual members are called is always to be as individual constituents, without reference to the League.

You will by now have received at least two calls to action. These give us all the opportunity to influence legislation by coordinating our efforts and supporting League positions. Being an issues advocate offers the additional opportunity to be part of a fast-paced and exciting process. If you are interested in joining the LWVIN Issues Advocacy Committee, contact Rachel Guglielmo ([Rachel\\_guglielmo@yahoo.com](mailto:Rachel_guglielmo@yahoo.com)) or Kate Cruikshank ([cruiksha@indiana.edu](mailto:cruiksha@indiana.edu)).

## **MONROE COUNTY DEFENDS VOTER INTENT - Kate Cruikshank**

In the process of preparing the voting system for the 2016 elections, Monroe County Clerk Linda Robbins and her staff discovered that the Indiana Code covering how to count votes in races where more than one candidate may be selected had some real problems. Specifically, if a person chooses to vote a straight-party ticket but then decides to mark choices individually for such a race, the rules laid out in section 3-12-1-7 of the Indiana Code can lead to the votes being counted in a way that is clearly contrary to voter intent.

As an example, in a race for county council where three at-large candidates may be chosen, assume there are three Republican candidates and three Democratic candidates. The voter has chosen at the outset to vote a straight Republican ticket but in the case of the county council wishes to vote for one Democrat and two Republicans. The prior choice of a straight-party Republican ticket dictates that all three Republicans will be automatically chosen, so when the voter chooses the one Democrat, she has in effect chosen four candidates in a race where only three are allowed. Under subsection (d) of section 3-12-1-7, in this situation only the individual choices may be counted but not the straight-party votes, which means that the only vote counted will be for the Democrat selected.

As another example, again assume a county council race in which three at-large candidates may be chosen, but with two Democrats, three Republicans, and an unnamed write-in candidate. The voter chooses at the outset to vote a straight-party Republican ticket but chooses to vote for only two of the Republicans. Because of the prior choice of a straight-party Republican ticket, the third Republican candidate for whom the voter did not choose to vote will nevertheless be counted.

In order to determine how widespread this problem might be, Clerk Robbins and her staff checked the ballots for two precincts in the last election. The results showed that approximately half of the voters chose a straight-party ticket and of the ballots marked by those voters, some 17% showed situations where this kind of miscount would occur.

Following the current Indiana Code, the clerk's staff was thus faced with the prospect of having to hand-count half of the ballots for the 2016 general election in order to be sure that voters choosing to vote a straight-party ticket were not having their votes miscounted. This would clearly be a nightmare, and so they began drafting language to correct the error in the code to take to the state legislature.

Their opportunity came when SB 391, which would abolish straight-party voting, was scheduled by the Senate Elections Committee for testimony on January 14. Clerk Linda Robbins testified in favor of the bill, assisted by Election Central Director Tressia Martin, providing sample ballots to illustrate the problem. To all appearances, the committee had planned a fairly short hearing on the bill, possibly to abandon it, but several members, including Chairman xx Walker, were shocked by the information provided by Robbins and Martin. Walker said that something would be done and that he would be in touch with Robbins, who was called back to consult with the committee in their meeting on January 25. The resulting bill, SB 61, was reported out of the committee on January 26. It is a rewriting of Indiana Code 3-12-1-7 to eliminate the problems identified by Linda Robbins and her staff and can be viewed on the Indiana General Assembly website by clicking on Legislation, then Bills, then SB 61, then Latest Version.

It is worth noting that it is only because Monroe County has a paper ballot system that Linda Robbins and her staff could even investigate this problem. The LWVUS has a strong and detailed position in support of voting systems with a paper trail. We in Monroe County can be proud of both our voting system, for the adoption of which the League was to a certain extent responsible in providing members for the Voting System Advisory Council, and of our county clerk and her staff in their work to correct possible miscounts of votes for voters throughout Indiana. Now let us hope that the state legislature supports them by passing legislation to ensure the integrity of voter intent.

### Events of Interest

**DUKE ENERGY'S EDWARDSPORT PLANT SETTLEMENT:** George Hegeman,  
Natural Resources

After nine years of hard negotiation, representatives of Duke's ratepayers (customers) and Duke have submitted a settlement agreement to the Indiana Utility Regulation Commission (IURC). Duke wanted its customers to absorb much of the \$900 million cost overrun for construction of the Edwardsport coal gasification power plant by increasing utility rates. Duke started up the plant in a feebly productive testing mode before the plant was actually finished in an apparent effort to spoof the IURC to allow the company to charge customers "operating and maintenance costs," as if the plant were really fully functional. A group of citizen's consumer groups and large ratepayers flagged this ploy before the Consumer Counselor's office.

If the IURC accepts the settlement agreement, its terms will give considerable rate relief to Duke customers in southern Indiana and require Duke to fund \$1 million in environmental power projects and relief for low income customers as well as to phase out two old coal-fired power plants by 2022. There is still a rate increase in the offing for Duke customers, but it will be almost half of what it would have been if no settlement was negotiated. For more information see the January 16 issue of the Bloomington Herald-Times.

**A GOOD FISH STORY (ABOUT PCBS):** George Hegeman, Observer, Monroe  
County Health Department

In mid-December the Region 5 office of the USEPA received a report and statistical analysis of trends in the Arochlor (PCB) content of fish from local streams taken over a period from about 1985 to 2014. PCBs are a mixture of toxic, structurally-related, long-lived industrial chemicals that were used by Westinghouse Corp. in capacitors manufactured in Bloomington from 1950 to 1970 or so. Spoiled capacitors were discarded locally and were scavenged for their copper content, spilling the

PCBs in dumps and landfills. The company's practice of flushing debris and wash water containing PCBs contaminated a City sewage treatment plant that had to be decommissioned.

Remediation efforts involved excavating contaminated landfill and manufacturing soil and debris for burial in a TOSCA landfill in Michigan, followed by lining and capping sites to prevent water infiltration, were undertaken at many sites in Monroe County. PCB Infiltration of the Karst terrain under the Lemon Lane landfill necessitated construction of a plant at Illinois Central Spring capable of treating one million gallons of water per minute to treat PCBs escaping from around that site into Clear Creek.

Because water is the main route by which PCBs escape from remediated (or unknown) sites, fish that live in streams and eat food from stream sediments, are excellent biological accumulators of PCBs. Fish of several kinds were collected at intervals from Bloomington/MC streams, and these were analyzed for PCB content.

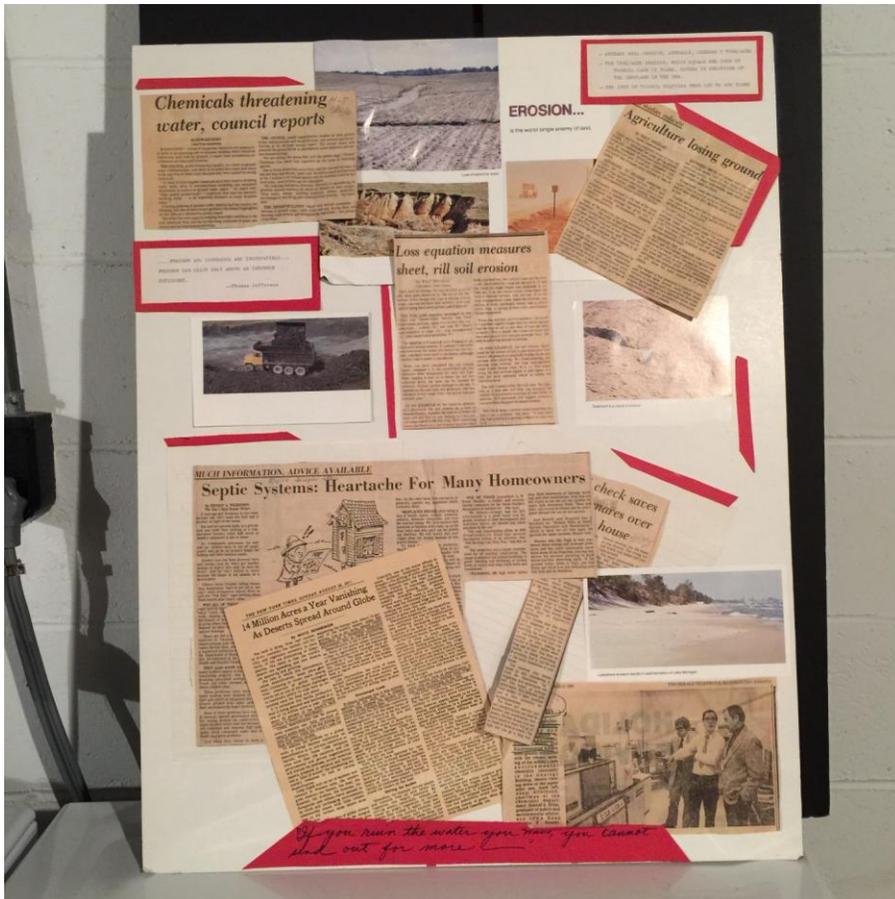
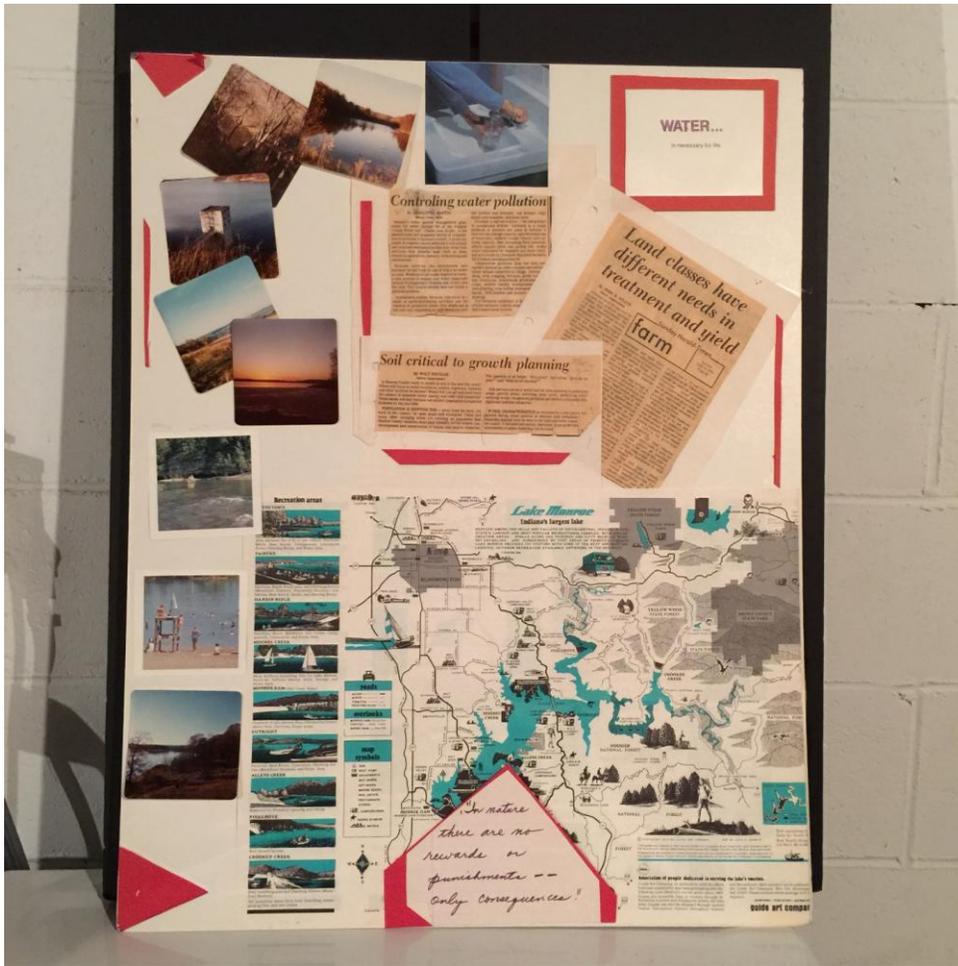
For almost all sampling sites and species of fish the statistically significant trends in PCB content of these fish show considerable declines. The range of declines was a reduction of from 77 to 99% at three key locations for five different kinds of fish. These results indicate that the remedial efforts undertaken in locally have been very effective, and that there are no major unknown PCB sources contributing to water contamination locally.

On a similar note, the Monroe County Health Department received an informal response from the Indiana State Department of Health Cancer Registry. This report showed that there was no statistically significant twenty year trend (increase or decrease) for two types of cancer associated with PCB exposure for which records were available. Moreover, the rates (incidence) of these for Monroe County were not significantly different from the State of Indiana as a whole, except for one form of cancer which is known to be caused mostly by exposure to UV radiation and many other factors. The County incidence of that cancer did not increase over 20 years. The absence of a trend and the "normal" incidence of one cancer type (but not the other), all indicate that PCBs have not affected this aspect of health in Monroe County.

## **LWVB-MC History**

### **RECLAIMING OUR HISTORY - Kate Cruikshank**

Our website contains a "Timeline of Accomplishments" that goes up through the 1980s but is very sparse beyond that. As I've gathered materials from various members cleaning out closets and spare rooms, I've come across some items that might help us reconstruct some of the activities in which the League was engaged, but there is no narrative to accompany them. So perhaps we can begin to build that narrative. Does anyone recognize the posters below? In which context were they created? What was the purpose? Who was involved?



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