

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: APRIL 29, 2021

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BRAYMER
GERAGHTY
DRISCOLL
CONOVER
MAGOWAN

OTHERS PRESENT:

REPRESENTING SUNY ADIRONDACK:
DR. KRISTINE DUFFY, PRESIDENT
AMANDA ALLEN, CLERK OF THE BOARD
JACKIE FIGUEROA, COUNTY HUMAN RESOURCES DIRECTOR
PATRICIA NENNINGER, PERSONNEL OFFICER
ROBERT TERWILLIGER, FIRST ASSISTANT COUNTY ATTORNEY
OUTSIDE COUNSEL FOR WARREN COUNTY:
GREGG T. JOHNSON, JOHNSON & LAWS, LLC
LORAIN JELINEK, JOHNSON & LAWS, LLC
RACHEL E. SEEBER, CHAIRWOMAN OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS BEATY
DIAMOND
DICKINSON
FRASIER
HOGAN
LEGGETT
MCDEVITT
MERLINO
SMITH
STROUGH
WILD
TOSHA BROWNELL, COMPUTER HELP DESK TECHNICIAN
TERRY COMEAU, WARREN COUNTY UNDERSHERIFF
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
LEXIE DELUREY, DIRECTOR, REAL PROPERTY TAX SERVICES
KEVIN HAJOS, SUPERINTENDENT, DEPARTMENT OF PUBLIC WORKS
GINELLE JONES, DIRECTOR, PUBLIC HEALTH/PATIENT SERVICES
JAMES LAFARR, WARREN COUNTY SHERIFF
KARA LAIS, FITZGERALD, MORRIS, BAKER & FIRTH
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS
ROB LYNCH, DEPUTY COUNTY TREASURER
DEANNA PARK, DIRECTOR, OFFICE FOR THE AGING
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the April 29, 2021 meeting of the Personnel, Administration & Higher Education Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <https://warrencountyny.gov/mma>

Note: As per Governor Cuomo’s Executive Order 202.1: “Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed”. Supervisors Braymer, Geraghty, Driscoll and Magowan were physically present for the meeting, while Supervisor Conover attended virtually.

Ms. Braymer called the meeting of the Personnel, Administration & Higher Education Committee to order at 9:06 a.m.

Copies of the meeting agenda were distributed to those in attendance, those participating remotely accessed the agenda via the Warren County website; a copy of the agenda is on file with the meeting minutes.

Motion was made by Mr. Geraghty, seconded by Mr. Driscoll and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Commencing the agenda review with Item 1A, Ms. Braymer offered privilege of the floor to Dr. Kristine Duffy, *President, SUNY Adirondack*, who was present to provide an update on the college. Dr. Duffy advised the commencement ceremony was scheduled for May 15th and would be a mixed in-person/live stream event that would be split into three different sessions to allow for the 160 students and their two guests per student to attend in order to meet the required health and safety guidelines. She apprised they were hoping Ms. Braymer would be available to come to the College on Monday and record a message to the graduates on behalf of the County, adding they were appreciative of the County for honoring a few of their graduates. She informed as she had previously indicated summer enrollment was doing well and continued to trend slightly ahead of the prior years enrollment which she was pleased about. She indicated registration for the Fall Semester had just begun for current students and even though they were slightly below as compared to last year a promising trend was as they reviewed applications that had been received after January 1st they were ahead of last year, which was a positive indicator that applications appeared to be picking up. She advised they were preparing for more in-person courses, were inviting individuals on site for campus tours and the orientation program that was occurring this summer would be held partially in person.

Dr. Duffy informed they were working in the final stages of preparing their Budget, adding she was pleased to report last week the SUNY Adirondack Board of Trustees approved a tuition freeze as part of their tuition and fee schedule for next year. She remarked she believed the tuition freeze was appropriate given the many consequences of the pandemic and the fact that they wanted to keep their costs as low as possible for students. She stated the next step was for them to finalize their budget to present to the SUNY Adirondack Board of Trustees at their main meeting towards the end of the month and a joint meeting between Warren and Washington Counties was tentatively scheduled for June 4th where both County leaders gathered to discuss the budget. She indicated they would be requesting a 2% increase in the contributions from Warren and Washington Counties which totaled around \$40,000 for Warren County which she would appreciate their support on, as this assisted them with maintaining that contribution over time. She added when the County contributed less it impacted other funding sources for them, such as chargebacks which was why it was an important aspect of their stability in terms of finances. Dr. Duffy concluded by stating they were working on wrapping up the Spring semester which they felt fortunate was a good one despite all of the circumstances and they were looking forward to inviting all of their students back in the Fall.

Ms. Braymer remarked she was pleased to hear the end of the Spring semester was running smoothly, adding she was looking forward to recording a message to the graduating class on behalf of the County. She requested that the Committee members who were present at the meeting stop by the Clerk of the Board's Office to pick up information regarding the graduating ceremony. She stated she was also happy to hear that enrollment was increasing. She inquired whether Dr. Duffy had any data regarding the Colleges vaccination rollout and Dr. Duffy replied in the negative, apprising they had not surveyed their students. Dr. Duffy informed the County had been great about partnering with the College and she believed they were in the process of scheduling their next vaccination clinic on campus for next Tuesday and were working hard on ensuring all of their students were aware it was available to them. She mentioned it was likely they would conduct a brief survey before the end of the semester to determine the percentage of students who were vaccinated.

Proceeding with the agenda review, Ms. Braymer extended privilege of the floor to Amanda Allen, *Clerk of the Board*, who addressed the following Item:

- 2) Resolution Tracking Report - Mrs. Allen advised the agenda included reports based on the resolutions approved at the March 19th Board Meeting. She indicated these were included for informational purposes and she encouraged anyone with questions to contact her.

Moving along to Agenda Items 3A-B which pertained to the following Request/Item to be discussed by the County Attorney:

3A) Litigation update.

Robert Terwilliger, *First Assistant County Attorney*, provided an update on the following cases in open session: Empire State NORML v. Warren County Et. Al. and a case involving Michael Nichols for which the statute of limitations for this individual to file a claim against Warren County had passed for what their claimed injuries and damages were. Mr. Terwilliger apprised the other matters that would be discussed should be done in an executive session according to Section 105(1)(d) of the Public Officer's Law.

Ms. Braymer stated she was aware they needed to discuss Dickinson v. Warren County, as well as Morgan v. Warren County in executive session and she asked Mr. Terwilliger if there was any other litigation they would be updated on and Mr. Terwilliger replied in the affirmative and listed the following litigation: Kaplan v Warren County; John David Smith v. Warren County and others; Questor French v. Derrick Williams and others including Warren County; Poulos v. Warren County; Forrest Enterprises v. Warren County; Maxam v. Warren County; proposed litigation regarding the estate of Ryan Taylor v. Warren County and other municipalities; Lewis v. Warren County; Terry v. Warren County; Barton/McKenna Frank v. Warren County; Leclair v. Vinson and Et. Al. With Warren County being included as a defendant on that case; and proposed litigation possibly of Keeley v. Warren County.

Ms. Braymer called for a motion to enter into executive session to discuss the aforementioned cases listed by Mr. Terwilliger. The necessary motion was made by Mr. Magowan, seconded by Mr. Geraghty and carried unanimously to enter into to enter into an executive session to discuss pending litigation pursuant to Section 105(1)(d) of the Public Officer's Law.

Executive session was held from 9:15 a.m. until 10:01 a.m.

Upon reconvening, Ms. Braymer advised a motion was required to authorize a settlement agreement in the matter of Dickinson v. Warren County per the recommendation of outside counsel. The necessary motion was made by Mr. Magowan, seconded by Mr. Driscoll and carried unanimously to approve the settlement agreement and the necessary motion was authorized for the May 21st Board Meeting.

Ms. Braymer resumed the agenda review with Agenda Item 3B which concerned an update regarding the County Attorney position, apprising she had worked with Patricia Nenninger, *Personnel Officer*, and Ryan Moore, *County Administrator*, to develop a job description that she circulated to the Committee members who responded back with comments. She added she had also recently distributed it to the full Board and she encouraged anyone with comments to notify her. She stated Messrs. Conover and Geraghty's concerns regarding the minimum requirements being ten years of experience had been addressed by amending the requirement to indicate that the position required ten years of legal practice without any specification about what area it was in to allow them to obtain a broader range of applicants, as well as the fact that the ten years of experience would be preferred, but not required.

Mr. Conover thanked Ms. Braymer for incorporating his suggestions into the job description, indicating he would like to propose including a sentence in the first paragraph that stated the County Attorney reported to the Board of Supervisors through the Chair of the Board and the Chair of the designated Committee which was currently the Personnel, Administration & Higher Education Committee, as well as a requirement down below that stated the position was administratively accountable to the County Administrator and generally reported to the Board of Supervisors through the Personnel, Administration and Higher Education Committee. He apprised following his review of Sections 500, 501 and 502 of New York State's Consolidated Law which pertained to the County Attorney position, as well as Section 450 that related to the Chair of the Board he believed his recommendations were appropriate for purposes of clarification.

Ms. Braymer thanked Mr. Conover for his suggestion and for thoroughly reviewing those laws; she asked whether anyone

objected to incorporating those changes into the job description to which no objections were made.

A discussion ensued during which Mr. Strough voiced his concern with the appointment for the County Attorney position only being two years. Mr. Terwilliger advised under County Law the term for the County Attorney was set to coincide with the same duration of that of a County Supervisor and could be no longer than a two year term. Mr. Strough suggested they look into whether a Home Rules action would override this law to allow them to increase the term. Ms. Braymer asked Mr. Terwilliger to research whether it was possible to increase the term of the appointment.

Ms. Braymer apprised her plan was to set a deadline for when applications had to be submitted to the County by for consideration following which the initial review would be conducted by the Human Resources and Civil Service Departments and then they would be distributed to the Committee members for review. She said she wanted to form a sub-Committee to conduct the preliminary interviews before they were interviewed by the Personnel, Administration & Higher Education Committee; however, she noted, if they only received a handful of applications they could consider just having the Committee conduct the interviews. She added she did not want to limit the ability of any of the Board Members from reviewing the applications and she asked anyone with questions to contact her and she would be happy to share any information she had available to her.

Ms. Braymer mentioned Mr. Terwilliger had requested to bring forward a request that was not included on the Agenda which she asked him to elaborate on. Mr. Terwilliger advised he would like the Committee to consider authorizing the County Attorney's Office to enter into a contract for outside counsel to assist with legal matters in instances when they could not handle the work in-house due to their workload and the lack of staff or if an area of special expertise was required. He added he would also like this amount to be capped off not to exceed \$5,000 a month or something less than that if that was the desire of the Committee and use the funding available as a result of the vacancy to assist with covering the cost.

Motion was made by Mr. Magowan and seconded by Mr. Conover to bring the request to authorize the County Attorney's Office to enter into a contract for outside counsel as outlined above to the floor for discussion.

A discussion ensued during which Mr. Conover noted State Law indicated within the limits of the appropriation which would be the \$5,000, the County Attorney could employ counsel to assist in the civil action and proceedings brought by or against the County or any County Officer in its official capacity; therefore, he stated, Committee authorization was not required for the contract, but if there were insufficient funding available within the County Attorney's Budget to cover the cost then a resolution would be required for the full Board to act on regarding the financial aspect.

During the discussion Mr. Geraghty voiced his displeasure with not receiving a response from Ms. Braymer on the comments he made pertaining to the County Attorney's job description and he asked whether any changes had been made to the job description, as had not been included in the agenda. Ms. Braymer apologized for not emailing Mr. Geraghty back regarding his comments, advising she had emailed the Committee members a copy of the revised job description. Mr. Geraghty indicated he never received that email; Ms. Braymer stated following the conclusion of the meeting she would email it again to Mr. Geraghty.

At the conclusion of the discussion, Ms. Braymer called the question and the motion to authorize the County Attorney to move forward with entering into a contract with outside counsel to provide assistance on an as needed basis was carried unanimously. Mr. Terwilliger noted he would return to Committee if it was determined he did not have sufficient funding within the departmental budget to cover the cost of the contract. Mrs. Allen indicated if it was determined that there were insufficient funds to cover the cost, the matter would need to be referred to the Finance Committee to determine a source of funding.

A brief discussion ensued.

Continuing, privilege of the floor was extended to Jackie Figueroa, *County Human Resources Director*, to address Items 4A-D, as follows:

- 4A) Report on tracking of vacancies filled - included for informational purposes.
- 4B) Report on terminations and exit interviews - included for informational purposes.
- 4C) Request to amend the Table of Organization and Salary Schedule to correct the hourly pay rate of the Associate Planner - Per Diem from \$30.1587/hour to \$35.4653/hour retroactive to April 19, 2021. - Ms. Figueroa stated when the request was brought forward last month to adjust the hours of the position the salary had been inadvertently reduced and needed to be rectified to ensure the individual was being paid their correct salary.

Motion was made by Mr. Magowan, seconded by Mr. Geraghty and carried unanimously to approve the request and the necessary resolution was authorized for the May 21st Board Meeting.

- 4D) Request to authorize a resolution to address the issue of benefits for retired employees who return to County employment in a benefits eligible position to allow them to enroll as an active employee while paying the contribution percentage they were eligible for as a retiree. Ms. Figueroa advised this was necessary for when individuals who had retired from the County returned as an active employee in order for them to be obtain the benefit they earned of having to pay a lower contribution percentage by virtue of their retirement status while keeping them on the active employee roster.

Motion was made by Mr. Driscoll and seconded by Mr. Geraghty to approve the request as outlined above.

A lengthy discussion ensued during which Ms. Figueroa noted an issue had arisen when employees who reached the age where they were eligible for Medicare they could not use Medicare as a primary payer if they were a full-time active employee. She stated according to Federal rules involving Medicare if an employee was age 65, Medicare eligible and retired then they came off of the active employee plan and they must change their coverage to the Medicare plan and add the Humana Medicare Advantage Plan; however, she noted, according to the rules that governed Medicare they would not be the primary payer if an employee was a full-time active employee in a benefits eligible position at an employer over a certain size which Warren County met the criteria for. She informed there was a current employee who was currently in this situation and there were others who were similarly situated, but they were under the age of 65 and this request would address this issue.

Ms. Braymer called the question and the motion to approve the request to authorize a resolution to address the issue of benefits for retired employees who return to County employment in a benefits eligible position was carried unanimously and the necessary resolution was authorized for the May 21st Board Meeting.

Resuming the agenda review, Ms. Braymer apprised Agenda Items 5A-B concerned the following referrals from the Health Services Committee:

Public Health -

- 5A) Request to amend the Table of Organization and Salary Schedule to create and fill the position of Early Intervention Service Coordinator, *Grade 18, Base Annual Salary \$46,492*, and delete the positions of Early Intervention Service Coordinator #2, *Base Annual Salary \$28,585 (20 hrs/wk)*, and the Early Intervention Service Coordinator PT #3, *Base Annual Salary \$29,577 (24 hrs/wk)*, effective May 24, 2021.

Motion was made by Mr. Conover, seconded by Mr. Geraghty and carried unanimously to approve the request and the necessary resolution was authorized for the May 21st Board Meeting.

Office for the Aging -

- 5B) Request to amend the Table of Organization and Salary Schedule to create and fill the position of Meal Site Manager #10, *Grade 2, Base Annual Salary \$26,027 (35 hours/week)*, and delete the position of Food Service Manager, *Grade 4, Base Annual Salary \$27,827 (35 hours/week)*, effective retroactive to May 1, 2021.

Ms. Braymer indicated she would be voting in opposition as a result of her concerns with the proposed grade of the manager position being too low.

Motion was made by Mr. Geraghty, seconded by Mr. Conover and carried by majority vote, with Ms. Braymer voting in opposition, to approve the request and the necessary resolution was authorized for the May 21st Board Meeting.

Agenda Item 6A-B, Ms. Braymer apprised, concerned the following referrals from the Public Safety Committee, *Sheriff:*

- 6A) Request to amend the Table of Organization and Salary Schedule to create and fill the new position of Patrol Officer - Part-Time, *\$20.3716/hour*, effective May 24, 2021.

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the May 21st Board Meeting.

- 6B) Public Safety Committee requests review and revision of Warren County Ethics Policy, particularly to address the nepotism section which seems to be overly restrictive.

Mr. Diamond stated he had thoroughly reviewed the County's Ethics Policy and Ethics and Disclosure Law and more specifically the clause pertaining to nepotism to determine how that was applied to Warren County specifically, adding he had also reviewed what other Counties in the State had in place. He added he had also met with members of the Personnel, Administration & Higher Education Committee to get a better idea regarding the County's hiring practices that were undertaken on a regular basis which consisted of competitive and non-competitive positions. He informed the language regarding nepotism was restrictive and he would like it to be amended to permit individuals of family members an opportunity to be employed by the County in positions within the Corrections Division, Public Safety, etc. He mentioned the City of Glens Falls did not have a nepotism policy regarding the City Police and Fire Departments, as there were family members who followed the same career paths as their family members before them and worked in both departments. He requested that the Committee consider adopting the revised policy which was included in the agenda and would permit family members to be hired in positions within the County. He added Agenda Item 9 included a copy of the revised Warren County Ethics and Disclosure Law which related to this, informing the last time the law had been revised was in 2014 and prior to that the last revisions were done in 1990.

Ms. Braymer advised there were other reasons they had reviewed the Warren County Ethics and Disclosure Law and in particular the Disclosure which a number of Supervisors had expressed concerns with. She noted a copy of the revised Ethics and Disclosure Law was included in the agenda packet for the Committees consideration. She said without objection she would like to address Agenda Item 9 which pertained to this along with the Ethics Policy to which no one voiced an objection.

A discussion ensued following which a motion was made by Mr. Magowan, seconded by Mr. Conover and carried by majority vote, with Mr. Geraghty voting in opposition, to approve the revisions to the Warren County Ethics Policy and Warren County Ethics and Disclosure Law as outlined in the agenda packet and the necessary resolution was authorized for the May 21st Board Meeting.

Resuming the agenda review, Mr. Braymer advised Agenda Item 7 concerned a referral from the Tourism & Occupancy Tax Committee, *Tourism*, regarding a request to amend the Table of Organization and Salary Schedule to set the salary of the

Tourism Development & Events Coordinator at \$63,711 effective retroactive to April 26, 2021.

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to approve the request and the necessary resolution was authorized for the May 21st Board Meeting.

Ms. Braymer apprised they would hold off on taking any action on Agenda Item 8 which concerned a Request/Item to be discussed by Mike Swan, *County Treasurer*, regarding a request to re-introduce the County Treasurer's request to remove the Payroll Supervisor and Payroll Technician positions from the CSEA Union and the associated requests for salary adjustments which were tabled at the June 6, 2019 Personnel & Higher Education Committee meeting due to Mr. Swan being unable to attend today's meeting.

Agenda Item 10, Mr. Braymer advised, involved a resolution designating the Clerk of the Board to serve as the Board's parliamentarian. Ms. Braymer stated at the recent training the Board took regarding Robert's Rules of Order it was recommended that the Clerk of the Board be designated as the parliamentarian for the Board. Mr. Magowan inquired whether Mrs. Allen was aware of the responsibilities associated with the designation and Mrs. Allen replied affirmatively. She explained it was her understanding if there was a point of order that the Chair of the Board required advice on she would provide this to them and they would determine whether to follow this advice when they made a determination. She stated this would consist of her referencing whatever section of Robert's Rules of Order the question pertained to and pass this information along to the Chair of the Board who ultimately made the final decision. Mr. Magowan remarked he had the fullest confidence that Mrs. Allen would do a good job on this. Mrs. Braymer commended Mrs. Allen for working tirelessly on her County trainings, adding she had been an asset to all of the Chair's she had worked with during her tenure as Clerk of the Board. Ms. Hogan suggested they consider providing Mrs. Allen with sufficient funding within her departmental budget to attend the necessary trainings she would need to familiarize herself with the Parliamentarian position. Ms. Braymer stated they could address that at the next Committee meeting.

Motion was made by Mr. Magowan, seconded by Mr. Driscoll and carried unanimously to approve a resolution designating the Clerk of the Board as the Board's Parliamentarian and the necessary resolution was authorized for the May 21, 2021 Board Meeting.

The following contains a listing of positions authorized for filling by Standing Committees since the last meeting:

- Buildings and Grounds*** - Custodian, *Grade 6, Base Annual Salary \$31,824*, due to promotion.
- Buildings and Grounds*** - Cleaner #2, *Grade 2, Base Annual Salary \$27,438*, due to resignation.

- Countryside*** - Senior Aide #1, *Grade 7, Base Annual Salary \$33,600*, due to retirement.
- Adult Home*** - Institutional Aide #8, *Grade 3, Base Annual Salary \$28,026*, due to retirement.

- Office for the Aging*** - Food Service Helper #2, *Grade 2, Base Annual Salary \$27,438 (30hr/week)*, due to resignation.

- Public Works*** - HEO #11, *Grade 10, Base Annual Salary \$37,633*, due to resignation.
- Public Works*** - MEO (L) #2, *Grade 7, Base Annual Salary \$33,600*, due to resignation.
- Public Works*** - MEO (L) 16, *Grade 7, Base Annual Salary \$33,600*, due to promotion.

- Sheriff*** - Patrol Officer #TBD, *Annual Salary \$42,373*, due to retirement.

Social Services - Caseworker #5, *Grade 16, Base Annual Salary \$43,390*, due to resignation. (*Emergency Fill*)

Ms. Braymer noted no one was present in person from the public and she asked Don Lehman, *Director of Public Affairs*, if any comments from the public had been received through Youtube or email and Mr. Lehman replied in the negative.

There being no further business to come before the Personnel, Administration & Higher Education Committee, on motion made by Mr. Magowan, seconded by Mr. Conover and carried unanimously, Ms. Braymer adjourned the meeting at 11:22 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board