

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: DECEMBER 29, 2021

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BRAYMER
GERAGHTY
DRISCOLL
MAGOWAN

OTHERS PRESENT:

RACHEL E. SEEBER, CHAIRWOMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
LARRY ELMEN, COUNTY ATTORNEY
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER

COMMITTEE MEMBER ABSENT:

SUPERVISOR CONOVER

SUPERVISORS BEATY (VIA ZOOM)

HOGAN

LEGGETT (VIA ZOOM)

WILD (VIA ZOOM)

TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR

DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS

LESLIE LOVELACE, SECRETARY TO THE CLERK OF THE BOARD

Please note, the following contains a summarization of the December 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: Pursuant to New York State Legislation (S.50001/A.40001): “Notwithstanding the provisions of article 7 of the public officers law to the contrary, any state agency, department, corporation, office, authority, board, or commission, as well as any local public body, or public corporation as defined in section 66 of the general construction law, or political subdivisions as defined in section 100 of the general municipal law, or a committee or subcommittee or other similar body of such entity, shall be authorized to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize 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.” All of the Committee members in attendance were physically present.

Ms. Braymer called the meeting of the Personnel, Administration & Higher Education Committee to order at 1:38 p.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. Driscoll, seconded by Mr. Magowan and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

The meeting commenced with discussion regarding the County’s Workplace Violence Policy. Ryan Moore, *County Administrator*, advised the issue was that the Policy was unclear as to who had the authority to adjudicate a complaint. He explained he did not possess the authority to take action against his superiors in the case of a complaint of wrong doing, he added finding an entity that would determine wrong doing was the issue. Mr. Driscoll asked for the definition of “workplace” because he had a mobile office; Mr. Moore replied according to Section 2 of the policy and section 27B of the New York State Labor Law, it was defined to be assault, threatening behavior or verbal abuse occurring within a work setting in Warren County that may include threats in person, by writing or electronic communication. Larry Elmen, *County Attorney*, commented there were two pieces to the question which were when there was a investigative finding who reviewed it to make a determination how to move forward and who to give the finding to and what happened when there was no findings of a violation of the policy. Discussion ensued regarding who should receive the complaints.

Mr. Elman stated executive session was needed due to matters with a particular individual.

Motion was made by Mr. Geraghty, seconded by Mr. Magowan and carried unanimously to enter into executive session pursuant to Section 105(f) of the Public Officer's Law.

Executive session was held from 2:00 p.m. until 2:24 p.m.

Upon reconvening, Ms. Braymer noted that no action had been taken during the executive session.

Ms. Braymer conveyed that, with respect to the Policy before them, elected officials within the County and the County Administrator would propose a change that a report related to any complaints would be made by the Board of Supervisors based on the County Attorney's summary of the investigation and the County Attorney's proposed finding of fact by the Board of Supervisors.

A motion was made by Mr. Driscoll, seconded by Mr. Magowan and carried unanimously to amend the Warren County Workplace Violence Policy to propose that in the case of complaints filed against any elected County official and the County Administrator, the Board of Supervisors will have the authority to take all actions necessary to adjudicate such complaints after consideration of an investigatory summary and/or findings of fact prepared jointly by the County Attorney and County Administrator for complaints filed against elected officials, and prepared solely by the County Attorney for complaints filed against the County Administrator, and the necessary resolution was authorized for the January 6, 2022 Board Meeting.

Ms. Braymer advised she wanted to leave this item as a Pending Item on the agenda for more possible changes to the Warren County Workplace Violence Policy.

Regarding Action Agenda Item No. 2., Ms. Braymer notified there were possible salary changes for 2022 where there were several County employees who were not at their full years of services according to their pay rate.

Motion was made by Ms. Braymer, seconded by Mr. Geraghty and carried unanimously to enter into executive session pursuant to Section 105(f) of the Public Officer's Law.

Executive session was held from 2:32 p.m. until 2:50 p.m.

Upon reconvening, Ms. Braymer advised that no action had been taken during the executive session.

Frank Thomas, *Budget Officer*, explained a lot of time had been spent evaluating the pay rate chart created by Mr. Moore that was based on merit. Ms. Braymer mentioned this item would remain on the agenda.

Ms. Braymer informed there was no comments regarding Action Agenda No. 3, and she moved on to an item that was not on the agenda, pertaining to a request from the County Attorney's office. Mr. Elmen explained the New York State Legislature modified State law to change the statute of limitations under the Child Victims Act, informing this opened the door for an individual who may have suffered abuse as a child to file a claim for monetary damages regardless of how long ago the abuse occurred. He said the County had been named as a defendant in a number of Child Victims Act cases. He advised his office and the Self-Insurance Department went through old boxes of insurance documents dating back to 1970, which was the earliest date of an allegation against the County in any of the pending litigation. He advised they were able to find proof of insurance for many years spanning from 1970 to 2004, advising he sent the proof to the current insurance company or the entity who took over the former insurance carrier who would be responsible for claims. He indicated a declaration was sent to the County from an insurance carrier declining to assume responsibility, adding he expected to receive other declarations as well. He advised the new legislation was not anticipated or funded for insurance carriers.

A motion was made by Mr. Geraghty, and seconded by Mr. Driscoll and carried unanimously to authorize the County Attorney to prosecute declaratory judgement actions to enforce insurance coverage in Child Victim's Act claims and

the necessary resolution was authorized for the January 6, 2022 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Next, Mr. Elman stated he was asked for his opinion regarding the Chair's term expiring at the end of the year. He responded County Law 1514 indicating the Chairman position expired at the end of the calendar year for which they were appointed. Discussion ensued regarding a possible local law to add a carry over for the Chair of the Board position to extend into the next year until a new Chair was selected. Ms. Seeber indicated she would adhere to advice of the County Attorney and would not take any action as the Chair during that time.

Mr. Geraghty exited the meeting at 3:09 p.m.

A brief conversation ensued regarding the Chair position and the possibility of naming a new Chair on the first of January. Mr. Elmen informed the first meeting of the year had to be the Organizational Meeting and must be scheduled in December of the prior year. He clarified that his recommendation to the Chair was to avoid the risk of litigation and liability by assuming responsibility after her term had expired under the statute.

Ms. Braymer indicated she would leave this matter as a pending item.

Ms. Braymer advised the issue of appointments to the ARPA Advisory Board and the Board of Ethics was not on the agenda, calling for a motion to reappoint members of the Warren County Ethics Board and ARPA Advisory Committee for the term commencing January 1, 2022 and terminating December 31, 2023.

Motion was made by Mr. Magowan, seconded by Mr. Driscoll and carried unanimously to approve the request as presented and the necessary resolution was authorized for the January 6, 2022 Board Meeting.

Mr. Magowan notified he wanted to discuss Action item No. 3 pertaining to amending the Table of Organization and Salary Schedule to de-fund the positions of Minority and Majority Leaders along with the Chair of the Board. He said the Minority and Majority Leaders position worked well. Mr. Driscoll voiced he would like to have this discussion with the new supervisors in 2022. Ms. Seeber indicated she wanted the full board to have this discussion on January 6th.

Motion was made by Mr. Magowan, seconded by Ms. Braymer and carried unanimously to amend the Table of Organization and Salary Schedule for 2022 to de-fund the positions of Majority Leader, Minority Leader and Chair of the Board and the necessary resolution was authorized for the January 6, 2022 Board Meeting.

Mr. Driscoll exited the meeting at 3:21 p.m., at which point Chairwoman Seeber served as an Ex-officio member to make quorum in accordance with Section C(4) of the Rules of the Board.

Ms. Seeber thanked Ms. Braymer for serving as the Minority Leader for the past year.

There being no further business to come before the Personnel, Administration & Higher Education Committee, on motion made by Ms. Seeber, seconded by Mr. Magowan and carried unanimously, Ms. Braymer adjourned the meeting at 3:26 p.m.

Respectfully submitted,
Leslie Lovelace, Secretary to the Clerk of the Board
(As transcribed by Sarah McLenithan, Deputy Clerk of the Board)