

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: MARCH 3, 2022

COMMITTEE MEMBERS PRESENT:

SUPERVISORS THOMAS
CONOVER
FRASIER
WILD (ZOOM)
BRAYMER (ZOOM)
RUNYON (ZOOM)

OTHERS PRESENT:

REPRESENTING SUNY ADIRONDACK:
DR. KRISTINE DUFFY, PRESIDENT
AMANDA ALLEN, CLERK OF THE BOARD
LARRY ELMEN, COUNTY ATTORNEY
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
RYAN MOORE, COUNTY ADMINISTRATOR
SUPERVISORS DIAMOND
DRISCOLL
GERACI (ZOOM)
LEGGETT
MAGOWAN
MERLINO
SEEBER
JOANNE CONLEY, DIRECTOR, TOURISM
TAMMIE DeLORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
KEVIN HAJOS, SUPERINTENDENT, DEPARTMENT OF PUBLIC WORKS
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS
MIKE SWAN, COUNTY TREASURER
SARAH McLENITHAN, DEPUTY CLERK OF THE BOARD

COMMITTEE MEMBERS ABSENT:

SUPERVISOR BEATY

Please note, the following contains a summarization of the March 3, 2022 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 were physically present, aside from Supervisors Wild, Braymer and Runyon who attended virtually.

Mr. Thomas called the meeting of the Personnel, Administration & Higher Education Committee to order at 10:35 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 Mrs. Frasier, seconded by Mr. Conover and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Dr. Kristine Duffy, *President, SUNY Adirondack*, who proceeded to provide an update on SUNY Adirondack which included an update on the Spring semester enrollment which was more than what was budgeted, the fall admission applications were trending ahead of last year at this time in double digit increases, they were able to maintain their housing capacity and their Facilities Master Plan which had originally been put on hold as a result of the pandemic would first be presented to the SUNY Adirondack Board of Trustees this month following which would then go before Warren and Washington Counties and then before SUNY. She also spoke regarding their advocacy efforts at the State level to fund community colleges at the appropriate levels which included some funding for workforce training specifically pertaining to some of their credit programs that brought individuals directly into the workforce, as well as many of their non-

credit short-term certification based programs which was attractive to many employers to “skill up” their current employees, as well as to employees who were pursuing a different field, but were seeking a quicker path to achieve this.

Prior to continuing with the agenda review, Chairman Geraghty requested there be roll call votes at the beginning of Committee meetings to determine attendance.

Roll called, the following members present:

Supervisors Thomas, Conover, Frasier, Wild and Braymer.

- 2A) Report on tracking of vacancies filled - included for informational purposes.
- 2B) Report on terminations and exit interviews - included for informational purposes.

Regarding Agenda Item 3, Mr. Thomas advised since an executive session was required which could be rather lengthy he was requesting that this matter be dealt with at the conclusion of the agenda review.

- 4) Resolution Tracking Report - included for informational purposes. Amanda Allen, *Clerk of the Board*, apprised due to the number of resolutions approved in December of 2021 more time was needed to prepare the report which would be distributed as soon as it was completed and a copy would be filed with the meeting minutes.
- 5A) Requesting that the Personnel, Administration & Higher Education Committee consider amending the Warren County Travel, Education and Vehicle Use Policy (*last adopted by Resolution No. 49 of 2021*) to authorize Department Heads to approve free training opportunities.

A motion was made by Mr. Conover and seconded by Mrs. Frasier to bring thr request to the floor for discussion.

Ryan Moore, *County Administrator*, advised changes had been made last year to the Warren County Travel, Education and Vehicle Use Policy in order to streamline the process which included no longer requiring Committee approval and the addition of no cost online training. He indicated the Sheriff had multiple low cost trainings and this would provide him with the authority to approve those without requiring the use of the travel authorization form which required the sign off of the County Administrator, the Budget Officer and the Chair of the oversight Committee.

A lengthy discussion ensued during which Mr. Thomas read aloud a recommendation he had received from the County Auditor suggesting they implement a more efficient, less cumbersome process to reinstate the policy to allow travel and education expenses to be incurred with only Department Head approval under a certain dollar amount. He added the suggestion also indicated if they did more forward with this change the policy should be clear as to whether the threshold included all expenses to the County as opposed to solely the cost of the conference. Ms. Seeber suggested the policy be modified further to include making this change for all departments and not just the Sheriff following which it could be brought back to Committee in a draft form for approval. During the discussion Mr. Moore advised he would contract Department Heads to receive their feedback regarding their thoughts on reinstating a dollar amount that would trigger the need for the use of a travel authorization form and report back to the Committee.

Motion was made by Ms. Braymer, seconded by Mr. Conover and carried by a unanimous vote of those present (Supervisors Beauty and Runyon absent) to table the request to consider amending the Warren County Travel, Education and Vehicle Use Policy (*last adopted by Resolution No. 49 of 2021*) to authorize Department Heads to approve free training opportunities.

- 5B) Authorizing the Warren County Sheriff to fill vacancies in budgeted and funded Patrol Officer positions and amending the Rules of the Board (*Section E(8) - last adopted by Resolution No. 68 of 2021*) to allow for same.

Larry Elmen, *County Attorney*, apprised when this matter was presented to the Criminal Justice & Public Safety Committee the outcome of the vote taken on it was three in favor and two opposed following which the Chair of the Committee advised the matter passed. He said at the conclusion of the meeting he did some further research on voting and provided a legal opinion last night which he forwarded to the entire Board which fell under attorney/client privilege and could not be discussed in open session; however, he noted, for purposes of the current discussion a vote of three in favor and two opposed on a seven member Committee was not a sufficient number of votes in favor to move a matter forward. He indicated although the matter

had been included on the agenda for today's meeting, the proper amount of votes in favor were not acquired to move the matter forward.

A discussion ensued during which the suggestion was made to consider allowing all Department Heads who were elected to their County positions to fill vacant positions that were budgeted and funded without having to go before Committee for approval. During the discussion Ms. Runyon entered the meeting at 11:05 a.m.

Motion was made by Mr. Wild and seconded by Mr. Conover to approve the request to authorize the Warren County Sheriff to fill vacancies in budgeted and funded Patrol Officer positions and amending the Rules of the Board (*Section E(8) - last adopted by Resolution No. 68 of 2021*) to allow for same.

Further discussion ensued following which Messrs. Wild and Conover amended their motions to authorize elected Department Heads to fill vacant positions within their respective departments.

Mike Swan, *County Treasurer*, voiced that if this was moved forward they should ensure the positions that were being filled without Committee approval were included in the County Budget and funded. Messrs. Wild and Conover amended their motions to indicate same. Mr. Thomas called the question and the motion was carried by a unanimous vote of those present (Supervisor Beaty absent) and the necessary resolution was authorized for the March 18th Board Meeting.

- 6) Request to amend the Table of Organization and Salary Schedule to create and fill the new position of Services Assistant - Office for the Aging #4, *Grade 7, Base Annual Salary \$36,414*, and delete the position of Typist, *Grade 3, Base Annual Salary \$30,373*, effective March 21, 2022.

Motion was made by Mr. Conover, seconded by Mrs. Frasier and carried by a unanimous vote of those present (Supervisor Beaty absent) to approve the request as presented and the necessary resolution was authorized for the March 18th Board Meeting.

- 7) Request for the Personnel, Administration & Higher Education Committee to consider directing the Civil Service Office to produce a detailed written process and a checklist that Department Heads will use when advertising vacant positions.

Motion was made by Mr. Conover and seconded by Ms. Braymer to approve the request as presented.

Ms. Braymer asked whether the detailed written process and checklist would be brought back to Committee for approval and Mr. Thomas replied affirmatively.

A discussion ensued during which Mr. Swan asked that the Committee consider developing guidance for Department Heads regarding the dismissal of employees, as well. Following further discussion, Mr. Thomas called the question and the motion was carried by a unanimous vote of those present (Supervisor Beaty present).

Mr. Thomas inquired whether the Committee would like to consider the County Treasurer's request to develop guidelines for Department Heads to use when dismissing an employee to remain as a pending item and they all responded affirmatively.

- 8) Request to amend the Table of Organization and Salary Schedule to create and fill the new position of Principal Account Clerk - Per Diem, *hourly rate of \$24.7685*, and to de-fund the full time Principal Account Clerk position effective April 4, 2022.

Motion was made by Mr. Conover and seconded by Mrs. Frasier to approve the request as presented.

A discussion ensued during which Mrs. Frasier exited the meeting at 11:52.

Following further discussion the motion was re-stated by Mr. Conover, seconded by Ms. Braymer and carried by a unanimous vote of those present (Supervisors Frasier and Beaty absent) to amend the request to amend the Table of Organization and Salary Schedule to create and fill the new position of Principal Account Clerk - Per Diem, *hourly rate of \$24.7685*, and delete

the the full time Principal Account Clerk position effective April 4, 2022 and the necessary resolution was authorized for the March 18th Board Meeting.

In regards to Pending Item No. 1 which involved the Employee of the Month program and Pending Item No. 2 concerning Warren County Workplace Violence Policy updates, Mr. Thomas announced no updates on either were available at this time.

The listing of positions authorized for filling by Standing Committees since the last meeting was presented, as follows:

- DPW** - MEO(L) #12, *Grade 7, Base Annual Salary \$36,414*

- Office for the Aging** - Meal Site Cook #7 (Long Lake), *Grade 2, Base Annual Salary \$18,584 (25 hrs/week)*, due to resignation

- Sheriff** - Patrol Officer #48, *Base Salary \$45,854*, due to retirement

- Tourism** - Director of Tourism, *Annual Salary \$67,533*, due to retirement
- Communications Assistant, *Grade 9, Base Annual Salary \$39,246*, due to resignation in 2020

Resuming the Agenda review with Item 3, Mr. Thomas called for a motion to enter into executive session to discuss the following:

Request for executive session to discuss the following:

- A) Current litigation updates (*subject to Section 105(1)(d) of the Public Officers Law*):
 1. Carprood v. Warren County
 2. CVA lawsuits - Michael Easterbrooks v. Schenectady County/Warren County
 3. Forest Enterprises Management v. Warren County
 4. Quester French v. Derek Williams
 5. Nicolas LeClair v. Sarah Raymond, et al
 6. Jason Lewis v. Primecare Medical, Inc.
- B) County Attorney legal opinions (*subject to Section 108(3) of the Public Officers Law*):
 1. 2022.4 - Appointment Process for ARPA Special Committee Member Vacancy and Chair Vacancy
 2. 2022.5 - Sheriff Marine Patrols on Schroon Lake
 3. 2022.6 - Tourism Hospitality Group
 4. 2022.7 - County Sale of Real Property

Ms. Seeber called for point of order, apprising there was no discussion regarding the pending items and she had a question regarding the Employee of the Month Program. Mr. Thomas ruled in favor of the point of order and asked Ms. Seeber to move forward with asking her question. Ms. Seeber inquired whether the County Attorney had conducted any research regarding the legality of a cash award or subsequent time off and when an update could be anticipated on that policy and Mr. Elmen responded a draft legal opinion had been prepared by one of the attorney's in his office, but he would like additional time to review this opinion and if necessary make modifications before it was presented to the Committee. A brief discussion ensued.

Prior to reviewing Agenda Item 3, Mr. Elmen suggested going forward his items be moved to the end of the Agenda given the fact that at times the executive session could be held for a significant time period and Mr. Thomas concurred. Ms. Braymer suggested in the cases where there were no time sensitive matters which required addressing that these matters be discussed going forward at one of the two monthly Board Meetings to prevent from having to hold the discussion multiple times.

A motion was made by Mr. Conover, seconded by Mr. Thomas and carried by majority vote of those present (Supervisors Frasier and Beaty absent), with Ms. Braymer voting in opposition, to enter into an executive session to discuss pending litigation pursuant to Section 105(1)(d) and 108 (3) of the Public Officer's Law.

Executive session was held from 12:12 p.m. until 12:51 p.m.

Upon reconvening, Mr. Thomas announced no action was taken during the executive session.

Privilege of the Floor/Public Comment was called for.

Mr. Wild advised he would like to discuss the advertisements for the Director of Tourism position which he believed should be on a national level to possibly attract candidates from other successful areas in the Country that could assist with expanding the tourism industry in the County even further. A brief discussion ensued regarding the advertising of the position during which Mr. Moore noted the position would be advertized on a national basis with several different tourism based organizations, as well as NACo (*National Association of Counties*).

There being no further business to come before the Personnel, Administration & Higher Education Committee, on motion made by Mr. Conover, seconded by Mr. Wild and carried by a unanimous vote of those present (Mrs. Frasier and Mr. Beaty absent), Mr. Thomas adjourned the meeting at 12:56 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board