

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: NOVEMBER 3, 2022

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS THOMAS	REPRESENTING SUNY ADIRONDACK:
CONOVER	DR. KRISTINE DUFFY, PRESIDENT
BEATY	ERIC CONDUZIO, BUDGET ANALYST, ADMINISTRATIVE SERVICES
FRASIER	AMANDA ALLEN, CLERK OF THE BOARD
WILD	LARRY ELMEN, COUNTY ATTORNEY
BRAYMER	JACKIE FIGUEROA, COUNTY HUMAN RESOURCES DIRECTOR
RUNYON	PATRICIA NENNINGER, PERSONNEL OFFICER
	KEVIN GERAGHTY, CHAIRMAN OF THE BOARD
	SUPERVISOR CRAIG LEGGETT, ACTING COUNTY ADMINISTRATOR
	SUPERVISORS DIAMOND
	DRISCOLL
	MERLINO
	SEEBER
	ERIN BROTHERS, DATA OFFICER, ILS, PUBLIC DEFENDER OFFICE
	TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
	KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
	DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS
	MIKE SWAN, COUNTY TREASURER
	SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the November 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>

Mr. Thomas called the meeting of the Personnel, Administration & Higher Education Committee to order at 10:02 a.m.

Copies of the meeting agenda were distributed to those in attendance; a copy is on file with the meeting minutes

Motion was made by Mr. Wild, seconded by Mr. Conover and carried by a unanimous vote of those present (*Ms. Runyon absent*) to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Commencing the agenda review, Dr. Kristine Duffy, *President, SUNY Adirondack*, provided an update on the college.

The remainder of the agenda review proceeded as follows:

- 3A) Request for the appropriation of funds totaling \$25,164.90 from Budget Code A909.00, *Unappropriated Surplus Fund Balance*. 2022 Budget did not provide sufficient funding to cover Hospitalization expense

(\$24,869.10), or Dental expense (\$295.80) through the end of the year.

Motion was made by Mr. Conover and seconded by Mrs. Frasier to approve the request as presented. Following discussion, Mr. Thomas called the question and the motion was carried by a unanimous vote of those present (*Ms. Runyon absent*) to approve the request as outlined above and refer same to the Finance Committee.

- 3B) Request for approval of 2023 contract with Bartlett Pontiff Stewart Rhodes P.C. for legal services in area of labor matters, with the option to renew for up to two additional one-year terms (2024 & 2025). *Resolution No. 514 of 2018 provided a one-year agreement with Bartlett Pontiff Stewart Rhodes P.C. to provide these services with the option to extend for two additional one-year terms at the fixed monthly rate of \$3,750 and hourly rates of \$200 for principal attorneys time, \$160 for associate attorney time, and \$125 for paralegal time for labor matters involving litigation or proceedings before an administrative agency, hearing officer, arbitrator, or courts. Continued legal services are required as the County prepares to negotiate the collective bargaining agreement with Warren County Police Benevolence Association. Monthly fee under Resolution No. 514 of 2018 would remain unchanged at \$3,750.*

Motion was made by Mr. Conover, seconded by Mr. Wild and carried by majority vote of those present (*Ms. Runyon absent*), with Mr. Beaty voting in opposition, to approve the request and the necessary resolution was authorized for the November 18th Board Meeting.

- 3C) Request for a new contract with Fitzgerald Morris Baker Firth, P.C. for legal services for litigation and trial counsel in defense of Child Victim Act Claims made by Joshua Rouse, Supreme Court Index No. EF2021-69346, effective immediately until final resolution of the Supreme Court action billed at an hourly rate of \$200.00 per hour for all attorney time and \$75.00 per hour for paralegal time for an amount not to exceed \$25,000.00. *Claim covers approximately six years (1998-2003), with one year (April 1, 1999 - April 1, 2000) covered by the County's insurance policy, subject to reservation of legal rights. Insurance carrier approved law firm to defend the County for that one-year period.*

Motion was made by Mr. Conover, seconded by Mr. Wild and carried by a unanimous vote of those present (*Ms. Runyon absent*) to approve the request and the necessary resolution was authorized for the November 18th Board Meeting.

- 3D) Discussion regarding appointments to the Warren County Ethics Board.

Larry Elmen, *County Attorney*, requested that interviews with interested candidates move forward and members be appointed to the Warren County Ethics Board, as there were a number of matters pending review by this Board, but due to an insufficient number of members to make a quorum of the Board they were unable to hold meetings.

Ms. Runyon entered the meeting at 10:25 a.m.

Mr. Thomas apprised there were seven applicants, four of which indicated they were still interested in serving. Mr. Elmen noted three more members of the public were required, adding a decision needed to be made regarding how many alternate members there should be.

A discussion ensued following which Mr Thomas advised the letters of interest submitted by the four candidates would be distributed to the Committee members for review and a future Committee meeting would be scheduled to discuss the matter further.

Privilege of the floor was extended to Mr. Merlino who voiced his thoughts regarding possible appointees to the Warren County Ethics Board.

- 3E) Request to approve settlement agreement with Forest Enterprises Management, Inc. in the amount of \$7,500 and providing Chairman of the Board the authority to sign settlement documents. *To settle all claims between the two parties, to execute general releases between the parties and to discontinue all further legal actions between the two parties.*

Motion was made by Mr. Wild, seconded by Ms. Runyon and carried unanimously to approve the request and the necessary resolution was authorized for the November 18th Board Meeting.

Mr. Thomas noted Item 3F, which required an executive session, would be reviewed at the conclusion of the agenda review.

Returning to agenda Items 2A and 2B which were reviewed as follows:

- 2A) Report on tracking of vacancies filled - included for informational purposes.
2B) Review of separation report - included for informational purposes.

Mr. Conover suggested the Committee discuss the challenges of attracting qualified applicants to apply for open competitive positions within the County with the Personnel Officer. Mr. Thomas noted this would be included as an agenda item for next month.

Ms. Braymer exited at 10:41 a.m.

Mr. Wild requested that the Human Resources Director provide the Committee with the trend over the next few years of how much of the County's workforce was expected to retire, advising of his concern was there would be departments struggling to fill positions in the future, such as Planning & Community Development when the County Planner retired next year. Jackie Figueroa, *County Human Resources Director*, indicated she would compile a report that included those demographics for review.

The agenda resumed with Item 4 which pertained to a request for an appropriation of funds in the amount of \$60,000 from Budget Code A.909.00, *General Fund Unappropriated Fund Balance*, to Budget Code A.1185 435, *Coroners & Medical Examiners, Medical Fees*, to cover the estimated cost of autopsies for the remainder of 2022.

Motion was made by Mr. Conover, seconded by Mr. Wild and carried by a unanimous vote of those present (*Ms. Braymer absent*) to approve the request and the necessary resolution was authorized for the November 18th Board Meeting.

- 5) Request to amend the Table of Organization and Salary Schedule to increase the salary of the Coordinating

Attorney -Public Defender from \$81,618 to \$97,310 effective retroactive to November 7, 2022.

Erin Brothers, *Data Officer, ILS, Public Defender*, noted the salaries listed were incorrect, apprising the request should be to increase the salary from \$87,338 to \$103,030 to account for the interim pay increase that was recently provided to all County employees as a result of the rise in the cost of living.

Motion was made by Mr. Wild, seconded by Ms. Runyon and carried by a unanimous vote of those present (*Ms Braymer absent*) to approve the request and the necessary resolution was authorized for the November 18th Board Meeting.

- 6) Request to amend the Table of Organization and Salary Schedule to create and fill the new position of Programmer I, *Annual Salary \$65,942*, and delete the position of Computer Programmer II, *Annual Salary \$65,695*, effective November 21, 2022.

Motion was made by Ms. Runyon, seconded by Mrs. Frasier and carried by a unanimous vote of those present (*Ms. Braymer absent*) to approve the request and the necessary resolution was authorized for the November 18th Board Meeting.

- 7) Discussion regarding SUNY Adirondack sponsor funding formula.

Mr. Leggett and Dr. Duffy reviewed in detail two attachments distributed to the Committee members regarding the history of the sponsor funding formula and the proposed changes; copies of which are on file with the meeting minutes. A discussion ensued following which motion was made by Mr. Conover and seconded by Mr. Wild to refer the SUNY Adirondack sponsor funding formula to the Finance Committee for discussion. Following further discussion Messrs. Conover and Wild withdrew their motions.

Mr. Wild exited the meeting at 11:24 a.m.

Motion was made by Mr. Beaty to invite SUNY Adirondack representatives to present the proposed update to the sponsor funding formula to the full Board Meeting to determine whether there was sufficient support to move this forward. A discussion ensued following which Mr. Thomas called the question and the motion failed to obtain the majority vote required, with Messrs. Thomas and Conover, Mrs. Frasier and Ms. Runyon voting in opposition, (*Mr. Wild and Ms. Braymer absent*).

Motion was made by Ms Runyon and seconded by Mr. Conover to refer matter to the Finance Committee. Following further discussion, Ms. Runyon and Mr. Conover amended their motions to indicate the matter would be referred to a joint meeting of the Personnel, Administration & Higher Education and Finance Committees for further discussion. Mr. Thomas called the question and the motion was carried by a majority vote of those present (*Mr. Wild and Ms. Braymer absent*), with Mr. Beaty voting in opposition.

Mr. Beaty exited the meeting at 11:35 a.m.

Privilege of the Floor/Public Comment was called for.

Mr. Merlino voiced his concerns with the proposed changes to the funding formula.

Mr. Driscoll indicated Washington County residents benefitted just as much as the residents of Warren County from SUNY Adirondack.

Chairman Geraghty noted the financial figures related to predictions, apprising the State could increase their contribution in the future.

Returning to Item 3F, Mr. Elmen requested an executive session pursuant to Section 105(1)(d) of Public Officer's Law to discuss pending or current litigation. *Frank Denes v. County of Warren, et al; Forest Enterprises Management, Inc. v. County of Warren, 3d Department #535780; and Kathleen Innes v. County of Warren, Correctional Medical Care, Inc. NDNY 1:22-cv-641.*

The necessary motion was made by Mr. Conover, seconded by Mrs. Frasier and carried by a unanimous vote of those present (*Messrs. Beaty and Wild and Ms. Braymer absent*), to enter into an executive session pursuant to Section 105(1)(d) of the Public Officer's Law, adding Mike Swan, *County Treasurer*, would be participating in the executive session.

Executive session was held from 11:42 a.m. until 12:06 p.m.

Upon reconvening, Mr. Thomas noted no action was taken, adding updates regarding three lawsuits against the County were provided during the executive session.

Review of the Pending Items section of the agenda proceeded, as follows:

PERSONNEL:

- 1) Warren County Workplace Violence Policy to be reviewed for additional updates. (03.03.22) Update: County Attorney was asked to provide updates in redlined form for review. (06.02.22) - No update was provided.
- 2) Committee to develop guidelines for Department Heads to use when dismissing an employee. (03.03.22) - No update was provided.
- 3) Committee requested that the Human Resources and Civil Service Departments draft an outline of a process for seeking out hiring candidates for Department Head level positions for the Committee to review. (06.02.22) - No update was provided.
- 4) Review of the Remote Work Policy established by Resolution No. 96 of 2021. (10.06.22) - Mr. Leggett noted the feedback from County Department Heads regarding the policy which would be compiled and presented at a future meeting,

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

Buildings and - Cleaner #6, Grade 2, Base Annual Salary \$35,455, due to resignation.
Grounds

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- DPW** - MEO (L) #2, *Grade 7, Base Annual Salary \$42,134*, due to resignation
- MEO (M) #9, *Grade 9, Base Annual Salary \$44,966*, extending authorization.

Information Technology - Computer Help Desk Tech I, *Annual Salary \$57,757*, due to promotion.

Office of Community Services - Deputy Director - Clinical (*Community Mental Health*), *Annual Salary \$69,431*, due to retirement.

- Children and Youth SPOA Coordinator, *Annual Salary \$65,824*, due to promotion.

Social Services - Caseworker #6, *Grade 16, Base Annual Salary \$52,743*, due to resignation.

Privilege of the Floor/Public Comment was called for.

Ms. Seeber questioned whether the remote work policy would remain as a pending item until the feedback from the County Department Heads was provided to the Committee and Mr. Thomas replied affirmatively. She then questioned who the feedback would be distributed to and Mr. Thomas responded the information would be provided to the full Board for review.

There being no further business to come before the Personnel, Administration & Higher Education Committee, on motion made by Mr. Conover, seconded by Mrs. Frasier and carried by a unanimous vote of those present (*Messrs. Beaty and Wild and Ms. Braymer absent*), Mr. Thomas adjourned the meeting at 12:09 p.m.

Respectfully submitted,
Sarah McLenithan Deputy Clerk of the Board