

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: DECEMBER 1, 2022

COMMITTEE MEMBERS PRESENT:

SUPERVISORS THOMAS  
CONOVER  
WILD  
BRAYMER  
RUNYON

OTHERS PRESENT:

AMANDA ALLEN, CLERK OF THE BOARD  
LARRY ELMEN, COUNTY ATTORNEY  
JACKIE FIGUEROA, COUNTY HUMAN RESOURCES DIRECTOR  
PATRICIA NENNINGER, PERSONNEL OFFICER  
KEVIN GERAGHTY, CHAIRMAN OF THE BOARD  
SUPERVISOR CRAIG LEGGETT, ACTING COUNTY ADMINISTRATOR

COMMITTEE MEMBERS ABSENT:

SUPERVISORS BEATY  
FRASIER

SUPERVISORS DIAMOND  
MERLINO  
SEEBER  
JAMES LAFARR, SHERIFF  
MIKE SWAN, COUNTY TREASURER  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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Please note, the following contains a summarization of the December 1, 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 10:09 a.m.

Copies of the meeting agenda were distributed; a copy of the agenda 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 (*Mr. Beaty, Mrs. Frasier and 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, Mr. Thomas noted no one was present from SUNY Adirondack to provide an update on the College.

The remainder of the agenda review proceeded as follows:

- 2A) Report on tracking of vacancies filled - included for informational purposes.
- 2B) Review of separation report - included for informational purposes.
- 2C) Request to authorize an extension of the contract with Ascentis (formerly Novatime Technology, Inc.) for a term commencing January 1, 2023 and terminating December 31, 2023.

Motion was made by Mr. Conover, seconded by Mr. Wild and carried by a unanimous vote of those present (*Mr. Beaty, Mrs. Frasier and Ms. Runyon absent*) to approve the request as presented and the necessary resolution was authorized for the December 16<sup>th</sup> Board Meeting.

- 3A) Request to fill the vacant position of Legal Office Coordinator, *Annual Salary \$60,064*, due to creation in the 2023 County Budget.

Motion was made by Ms. Braymer, seconded by Mr. Conover and carried by a unanimous vote of those present (*Mr. Beaty, Mrs. Frasier and Ms. Runyon absent*) to approve the request as presented

- 3B) Request to authorize a contract with Roemer Wallens Gold & Mineaux, LLP to defend the County against federal employment law litigation and claims alleging violation of Americans with Disability Act. *Lawsuit claims filed by Kathleen Innis, Federal District Court-Northern District of New York, Docket No. 1:22-cv-00641-BKS, filed July 26, 2022, as the hourly rate of \$270.00 per hour in an amount not to exceed \$20,000.00 and a term that will expire upon completion of the legal representation. The legal representation does not include any appellate work. Federal employment law litigation and claims involving Americans with Disability Act are a specialized field of legal practice which requires outside counsel to assume the defense for the County of Warren.*

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Ms. Runyon entered the meeting at 10:13 a.m.

Motion was made by Mr. Conover, seconded by Mr. Wild and carried by a unanimous vote of those present (*Mr. Beaty and Mrs. Frasier absent*) to approve the request as presented and the necessary resolution was authorized for the December 16<sup>th</sup> Board Meeting.

- 3C) Request for an executive session, pursuant to Public Officers Law 105(1)(d). [*Discussions regarding proposed, pending or current litigation*]; and 108(3) [*Any matter made confidential by federal or state law-attorney client privileged communications*].

Mr. Thomas asked Larry Elmen, *County Attorney*, if they could delay the executive session following review of Agenda Item 5 and Mr. Elmen replied affirmatively. Mr. Elmen stated prior to proceeding with the Agenda review he would like to provide an update on the Ilana Morgan lawsuit and the appeal at the Second Circuit Court of Appeals. He stated a decision was issued in late October of 2022 which dismissed the appeal for all purposes and concluded the lawsuit that was originally filed in Federal Court by the plaintiff, Ilana Morgan. He noted there were no current lawsuits arising from Ilana Morgan that were now pending against the County once that decision was issued.

The agenda review resumed as follows:

- 4) Request to amend the 2023 Table of Organization and Salary Schedule to decrease the salary of the Deputy Director-Clinical from \$81,814 to \$77,446 effective January 4, 2023.

Motion was made by Mr. Wild, seconded by Ms. Runyon and carried by a unanimous vote of those present (*Mr. Beaty and Mrs. Frasier absent*) to approve the request as presented and the necessary resolution was authorized for the December 16<sup>th</sup> Board Meeting.

- 5) Request to amend the Table of Organization and Salary Schedule to decrease the salary of the County Administrator from \$127,308 to \$120,000 effective retroactive to December 12, 2022.

Motion was made by Mr. Wild, seconded by Ms. Runyon and carried by a unanimous vote of those present (*Mr. Beaty and Mrs. Frasier absent*) to approve the request as presented and the necessary resolution was authorized for the December 16<sup>th</sup> Board Meeting.

Returning to Agenda Item 3C pertaining to a request to enter into an executive session pursuant to Public Officers Law 105(1)(d). [*Discussions regarding proposed, pending or current litigation*]; and 108(3) [*Any matter made confidential by federal or state law-attorney client privileged communications*], Mr. Thomas called for a motion to enter into an executive session. Larry Elmen, *County Attorney*, clarified the discussion during executive session regarding pending litigation would involve the lawsuit against the County involving Frank Denes and the attorney client privilege would concern a legal opinion and discussion regarding FOIL (*Freedom of Information Law*). Ms. Braymer asked if they could also discuss the Ilana Morgan lawsuit in executive session and Mr. Elmen replied affirmatively, but noted he had intentionally remained separate from the lawsuit so his knowledge was limited on the matter. He advised outside counsel for the County would be attending the December 16<sup>th</sup> Board Meeting to provide attorney client communications.

The necessary motion was made by Ms. Braymer, seconded by Mr. Wild and carried by a unanimous vote of those present (*Mr. Beaty and Mrs. Frasier absent*) to enter into an executive session pursuant to Section 105(1)(f) and 108(3) of the Public Officers Law.

Executive session was held from 10:20 a.m. until 10:56 a.m.

Upon reconvening, Mr. Thomas noted no action had been taken in executive session.

Motion was made by Mr. Wild, seconded by Ms. Runyon and carried by a unanimous vote of those present (*Mr. Beaty and Mrs. Frasier absent*) to authorize and approve the County Attorney to engage in negotiations and any mediation sessions with counsel for the insurance carrier, NYMIR (*New York Municipal Insurance Reciprocal*) regarding settlement of the Frank S. Denes v. County of Warren Federal lawsuit to pursue and address any potential settlement agreement and that negotiations may include any amount of the County's deductible up to the full insurance deductible of \$50,000, as well as authorizing the Chair of the Board of Supervisors to execute any future settlement documents on behalf of the County in a form approved by the County Attorney; and for the County to issue payment up to \$50,000 insurance deductible, but not to exceed \$50,000. The necessary resolution was authorized for the December 16<sup>th</sup> Board Meeting.

Mr. Elmen noted for the record there was no formal vote or action taken 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 provided.
- 2) Committee to develop guidelines for Department Heads to use when dismissing an employee. (03.03.22) - No update 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) - The Committee was advised the County Administrator had provided this information to the Board and this item could be removed.
- 4) Review of the Remote Work Policy established by Resolution No. 96 of 2021. (10.06.22) Update: It was noted feedback from County Department Heads regarding the policy would be compiled by the County Administrator's Office and presented at a future meeting. (11.03.22) - The Committee was notified feedback from a few of the County Department Heads had been received, but no updates have been made to the policy.
- 5) The letters of interest submitted by the four interested candidates to be members of the Warren County Ethics Board would be distributed to the Committee members for review and a future Committee meeting would be scheduled to discuss the matter further. (11.03.22) - Mr. Thomas noted the information pertaining to the five interested candidates had been distributed to the Committee members on November 22<sup>nd</sup>, adding he believed all of them were well qualified. He indicated action should be taken, as they needed to fill the three vacancies on the Board, as well as the two alternate positions.

Motion was made by Ms. Braymer, seconded by Ms. Runyon and carried by a unanimous vote of those present (*Mr. Beaty and Mrs. Frasier absent*) to appoint and reappoint the following as members of the Warren County Board of Ethics for term ending December 31, 2023: Robert Iusi as appointed officer or employee of Warren County member; Ash Anand, George Armstrong, John W. Bishop, and James T. McEnaney Jr. as members of the public who were not appointed officers or employees of Warren County or a municipality located in Warren County; Diana Palmer as the alternate appointed officers or employees of Warren County or a municipality located in Warren County; and Peter Aust and Sean Dion as alternate members of the public who were not appointed officers or employees of Warren County or a municipality located in Warren County. The necessary resolution was authorized for the December 16<sup>th</sup> Board Meeting.

- 6) The challenges of attracting qualified candidates to apply for open competitive positions within the County with the Personnel Officer at the next Committee meeting. (11.03.22) - Patricia Nenninger, *Personnel Officer*, provided an overview of the testing process and the improvements that had been made, noting one of the difficulties was the delay in getting the test results from the State which was taking up to six months creating issues for individuals in provisional positions. She stated she believed within the next few months they would be in a better position when they were through with the post pandemic backlog of exams that were postponed or delayed. During the discussion Jackie Figueroa, *County Human Resources Director*, distributed a table depicting the age of County employees and the percentage eligible for retirement within the next five years; *a copy of which is on file with the meeting minutes*. A brief discussion ensued regarding a referral from the NACo/NYSAC Committee that was made this morning to discuss at a future meeting regarding the development of an employee retention program and the administration of exit interviews.
- 7) A joint meeting of the Personnel, Administration & Higher Education and Finance Committees would be scheduled to discuss the proposed change to the SUNY Adirondack sponsor funding formula. (11.03.22) - Mr. Thomas noted a joint meeting would be scheduled within the coming weeks.

Mr. Wild exited the meeting at 11:18 a.m.

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

- Countryside Adult** - Institutional Aide PT #2, *Grade 3, Base Annual Salary \$36,093*, due to resignation.  
**Home** - Institutional Aide #3, *Grade 3, Base Annual Salary \$36,093*.  
- Institutional Aide #12, *Grade 3, Base Annual Salary \$36,093*.  
- Institutional Aide #19, *Grade 3, Base Annual Salary \$36,995*, due to creation.  
- Cook #2, *Grade 4, Grade 4, Base Annual Salary \$37,509*.
- DPW** - MEO (M) #14, *Grade 9, Base Annual Salary \$44,966*.  
- Assistant Naturalist - Temp, *Grade 2, Base Annual Salary \$4,000/\$17,4271*.  
- Building Maint. Mechanic #7, *Grade 15, Base Annual Salary \$54,136*.

- Health Services**
- Public Health Nurse #10, *Grade 22, Base Annual Salary \$62,310*, due to resignation.
  - Registered Professional Nurse #11, *Grade 20, Base Annual Salary \$59,426*, due to resignation.
  - Public Health Nurse #8, *Grade 22, Base Annual Salary \$62,310*, due to resignation.
  - Public Health Nurse #35, *Grade 22, Base Annual Salary \$62,310*, due to resignation.
  - Registered Professional Nurse #42, *Grade 20, Base Annual Salary \$59,426*.
  - Senior Account Clerk #2, *Grade 7, Base Annual Salary \$42,134*, due to resignation.
  - FTE Public Health Assistant, *Grade 10, Base Annual Salary \$47,677*, due to creation.
  - FTE Public Health Program Coordinator, *Grade 18, Base Annual Salary \$57,507*, due to creation.
  - Registered Professional Nurse 24 hrs, *Grade 20, Base Annual Salary \$36,547 prorated*, due to creation.
  - Early Intervention Service Coordinator 30 hrs, *Grade 18, Base Annual Salary \$43,130 prorated*, due to creation.
  - Children w/Special Health Care Needs Program Administrator, *Annual Salary \$81,814*, due to creation.
- Information Technology**
- Computer Help Desk Tech II #3, *Annual Salary \$64,188*, due to creation.
  - Computer Help Desk Tech II #4, *Annual Salary \$65,942*, due to creation.
- Office of Emergency Services**
- Deputy EMS Coordinator (Part-Time), *Annual Salary \$8,223*, due to promotion.
  - 3<sup>rd</sup> Deputy EMS Coordinator (Part-Time), *Annual Salary \$8,223*, due to promotion.
  - 2<sup>nd</sup> Deputy EMS Coordinator (Part-Time), *Annual Salary \$8,223*, due to resignation.
- Parks, Recreation & Railroad**
- Hatchery Aide, *Grade 6, Base Annual Salary \$40,208*, due to resignation.
- Planning & Community Development**
- Director, Planning & Community Development, *Annual Salary \$107,637*, due to resignation.
  - County Planner, *Annual Salary \$81,600*, due to resignation.
- Public Defender**
- 9<sup>th</sup> Assistant Public Defender, *Annual Salary \$77,708*, due to resignation.
- Social Services**
- Assistant Social Services Attorney, *Annual Salary \$71,988*, due to resignation.
  - Community Services Worker/Part-Time, *Grade 8, Base Annual Salary \$43,638*, due to resignation.
  - Sr. Social Welfare Examiner #TBD, *Grade 11, Base Annual Salary \$48,324*, due to promotion.
  - Social Services (Fraud) Investigator #TBD, *Grade 11, Base Annual Salary \$48,324*, due to promotion.
  - Part-Time Social Welfare Examiner, *Grade 6, Base Annual Salary \$41,213*, due to creation.
  - Senior Support Investigator #1, *Grade 11, Base Annual Salary \$48,324*, due to retirement.
- Workforce Development**
- Office Specialist (Part-Time), *Grade 7, Base Annual Salary \$34,550, Not to exceed 32 hours per week*.
  - Employment & Training Counselor II, #2, *Base Annual Salary \$39,186, Not to exceed 32 hours per week* due to resignation.

Privilege of the Floor/Public Comment was called for, but there was no one wishing to speak.

There being no further business to come before the Personnel, Administration & Higher Education Committee, on motion made by Mr. Conover seconded by Ms. Runyon and carried by a unanimous vote of those present (*Mr. Beaty, Mrs. Frasier and Mr. Wild absent*), Mr. Thomas adjourned the meeting at 11:18 a.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board