

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: MAY 30, 2024

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS	WILD	AMANDA ALLEN, CLERK OF THE BOARD
	DRISCOLL	LARRY ELMEN, COUNTY ATTORNEY
	MERLINO	JACKIE FIGUEROA, DIRECTOR OF HUMAN RESOURCES
	MADAY	MIKE COLVIN, DIRECTOR, INFORMATION TECHNOLOGY
	BEAN	KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
	ETU	JOHN TAFLAN, COUNTY ADMINISTRATOR
	THOMAS	SUPERVISORS BRUNO
		CROCITTO
		STRAINER
		STROUGH
		CARRIE BLACK, COUNTY CLERK
		TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
		ETHAN GADDY, COUNTY PLANNER
		KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
		ROBERT LYNCH, DEPUTY COUNTY TREASURER
		CHRISTINE NORTON, COUNTY TREASURER
		ELLEN ROSE, PRINCIPLE ACCOUNT CLERK, TREASURER'S OFFICE
		SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the meeting of the May 30, 2024 Personnel, Administration & Higher Education Committee; the meeting in its entirety can be viewed using the following links:

Warren County website - <https://warrencountyny.gov/mma>

Warren County's YouTube Channel - Part 1 - <https://www.youtube.com/watch?v=bqmFEKJsZaw>

Part 2 - <https://www.youtube.com/watch?v=U8miX5JuONA>

Mr. Wild called the meeting of the Personnel, Administration & Higher Education Committee to order at 10:07 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. Bean, seconded by Mr. Merlino 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/Public Comment was called for, but there was no one wishing to speak.

Mr. Wild noted no one was present from SUNY Adirondack to provide an update on the College; the remainder of the agenda review proceeded as follows:

- 1A) Report on tracking of vacancies filled - included for informational purposes.
- 1B) Request to amend the Table of Organization and Salary Schedule to decrease the hours of the Civil Service Assistant position from 40 hours to 30 hours, *from Annual Salary \$52,038 (40 hours/week), to Annual Salary \$39,028 (30 hours/week)*, effective July 8, 2024.
- 1C) Request to amend the Table of Organization and Salary Schedule to increase the hours of the Human Resources Assistant position from 30 hours per week to 40 hours per week, *from Annual Salary \$40,599 (30 hours/week), to Annual Salary \$54,132 (40 hours/week)*, effective July 8, 2024.

Motion was made by Mr. Merlino, seconded by Mr. Driscoll and carried unanimously to approve Agenda Items 1B and C as outlined above and the necessary resolutions were authorized for the June 21st Board Meeting.

- 1D) Request to amend the Table of Organization and Salary Schedule to delete the Test Administrator #2 and Test Administrator #3 positions from the Human Resources Department structure and use the Test Administrator position as a "bucket" position to allow for a creation of a pool of per diem people to work weekend civil service tests.

Motion was made by Mr. Etu, seconded by Mr. Thomas and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the June 21st Board Meeting.

- 3A) Request to amend Resolution No. 23 of 2024, *Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation*, to appoint James Nolan to fill the vacancy created due to the resignation of David O'Brien; this is a Washington County appointment which Warren County must mirror by resolution to be effective.

Motion was made by Mr. Driscoll, seconded by Mr. Maday and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the June 21st Board Meeting.

- 3B) Request for a transfer of funds in the amount of \$6,500 from Budget Code A.1990 469, *Contingent Account - Other Payments/Contributions*, to Budget Code A.1010 437, *Legislative Board, Consulting Fees*, to cover the cost of 2024 BAN advisory services which were not budgeted for.

Motion was made by Mr. Etu, seconded by Mr. Thomas and carried unanimously to approve the request as outlined above and refer same to the Finance & Budget Committee.

- 4) Request to appropriate \$20,000 from Budget Code A.895.00, *Computer Reserve Fund*, to the Board of Elections Budget to cover the cost of purchasing computers and related equipment and software.

Motion was made by Mr. Merlino, seconded by Mr. Maday and carried unanimously to approve the request as outlined above and refer same to the Finance & Budget Committee.

- 5A) Request to authorize the Chairman of the Board to execute a five-year Master Internship Affiliation Agreement with SUNY Adirondack.

Motion was made by Mr. Maday, seconded by Mr. Driscoll and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the June 21st Board Meeting.

- 5B) On behalf of the Planning & Community Development Department - request to amend the Table of Organization and Salary Schedule to create the position of Principal Planner 2, *Grade 14, Base Annual Salary \$81,644*, and delete the position of Assistant County Planner, *Annual Salary \$78,367*, effective May 28, 2024.

Motion was made by Mr. Etu, seconded by Mr. Merlino and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the June 21st Board Meeting.

- 6) Request to amend the Table of Organization & Salary Schedule to create the new position of Principle Account Clerk - Temp, *Grade 10, Base Annual Salary \$22.92/hour (would like to pay current Base Annual Salary \$28.68/hour)*, effective June 24, 2024 to August 30, 2024.

It was noted Agenda Item 6 had been withdrawn.

- 7) Request to amend the Table of Organization and Salary Schedule to create the new position of Pistol Permit Clerk, *Grade 8, Base Annual Salary \$44,729*, effective July 1, 2024.

Motion was made by Mr. Thomas, seconded by Mr. Driscoll and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the June 21st Board Meeting.

- 8A) **Action Agenda/New Business Items:** Request for a motion to enter into an executive session, per Public Officers Law § 105(1)(d) discussions of potential, pending and current litigation as stated below, and to provide attorney-client communications concerning the matters below, per Public Officers Law § 108(3):
1. Request: Authorizing the County Attorney to Negotiate, Settle and Bind the County of Warren on all pending claims in the matters of *Warren County v. Continental Insurance & Michael Easterbrooks*, NDNY 1:22-cv-328, filed February 1, 2022 and *Warren County v. Continental Insurance & John David Smith*, NDNY 1:22-cv-431,

filed April 1, 2022, and to authorize the Chair of the Board of Supervisors to sign all settlement documents, in a form approved by the County Attorney.

Rationale: To settle claims against Continental Insurance Company.

2. **Discussion Items:**

- A. **Warren County Risk & Safety:** Property & Casualty Risk Management Programming
- B. **Litigation Update:** Request for a motion to enter into an executive session, per Public Officers Law § 105(1)(d), to engage in discussions of potential and current litigation and to provide attorney-client communications per Public Officers Law § 108(3), concerning one or more of the matters listed below:
1. Update on Lawsuits without Insurance Coverage:
 - a. *Michael Easterbrooks v. Schenectady County, et al*, Albany County Index No. 907013-2021, filed August 10, 2021.
 - b. *Joshua Rouse v. Berkshire Farms Center for Youth, et al*, Warren County Index No. EF2021-69346, filed August 10, 2021.
 - c. *Warren County v. Continental Insurance & Michael Easterbrooks*, NDNY 1:22-cv-328, filed February 1, 2022
 - d. *Warren County v. Continental Insurance & John David Smith*, NDNY 1:22-cv-431, filed April 1, 2022.
 - e. *Kathleen Innes v. Warren County and Correctional Medical Care*, NDNY 1:22-cv-00641-BKS-TWD, filed June 15, 2022.
 - f. *Cynthia Rich (Maxam), David Dellamonica, Estate of Ann Alice Hennessey v. County of Warren & Christine Norton, as County Treasurer*, NDNY 1:24-cv-314-AMN-CFH, filed March 6, 2024.
 - Alleging violations of federal constitutional rights under 5th Amendment, 8th Amendment, and 14th Amendment, as well as section 1983 claims for deprivation of civil rights, and State law claim for unjust enrichment.
 - March 22, 2024: Insurance Coverage Denied through Travelers-claims made.
 - *New York Tax Foreclosure Surplus Litigation: Multi-District Litigation (MDL) No. 3117*: Plaintiffs motion to join all 37 counties subject to individual lawsuits. Responses filed 5/7/2024. Decision pending.
 2. Update on Lawsuits covered by Insurance:
 - a. *Tyson Poulos v. County of Warren, Warren County Sheriff's Office, Warren County District Attorney's Office [as well as 6 employees of Sheriff's Office and 1 employee of District Attorney's Office]*, NDNY 1:21-cv-96-MAD-CFH, filed January 27, 2021. Date of Loss alleged January 20, 2014 through August 8, 2014.
 - b. *Patricia Zahaba v. County of Warren and Town of Queensbury*, Warren County Index No. EF2022-70243, filed June 13, 2022. Date of Loss alleged: June 11, 2021. Notice of Claim served September 8, 2021.
 - c. *John Werner v. Bernice Conlon & Warren County*, Warren County Index No. EF2022-70247, filed June 15, 2022. Date of Loss alleged: August 15, 2021. Notice of Claim served November 8, 2021.
 - d. *Michael Davis v. Cole Palmer, Nicole Palmer, Town of Queensbury & County of Warren*, Warren County Index No. EF2023-71114, filed July 15, 2022. Date of Loss alleged: May 14, 2022. Notice of Claim served July 15, 2022.
 - e. *Jasmine Earnest v. Town of Queensbury, County of Warren, Stiling Electric, Inc. & Joanne Levack*, Warren County Index No. EF2022-2111, filed September 29, 2022. Date of Loss alleged: April 12, 2022. Notice of Claim served May 9, 2022.
 - f. *Timothy McIntyre & Brenna Michalak v. County of Warren*, Warren County Index No. EF2023-72092, filed December 11, 2023. Date of Loss alleged: September 18, 2022. Notice of Claim, served December 19, 2022.
 - g. Jennifer Dees & Ethan Smith v. Michael Zurlo, County of Saratoga, County of Warren, et al. (including 47 individual defendants and three additional entities), NDNY 1:24-cv-00001-MAD-DJS, filed January 2, 2024. Date of Loss alleged: June 8, 2020 through January 2, 2024.
 - h. Nicholas Oudekerk v. Sergeant Brandon Thomas & Corrections Officer Nicholas Crum,

NDNY 9:24-cv-00109-AMN-TWD, filed March 13, 2024

3. Update of Notice of Claims & Administrative Complaints:
 - a. Notice of Claim served February 22, 2024: Christian Gottschalt & Kimberlee Gottschalt. Date of Loss alleged: November 29, 2023.
 - b. Notice of Claim served March 7, 2024: Ethan Smith and Jennifer Dees. Date of Loss alleged: November 8, 2023 through March 1, 2024.
 - c. Notice of Claim served March 27, 2024: Irene Esposito. Date of Loss alleged January 13, 2024.
 - d. Notice of Claim served May 15, 2024: Tarrah Rockwell. Date of Loss alleged: September 26, 2023. Claimant filed motion to serve late notice of claim and Court Order, dated May 14, 2024, granted permission to file late notice of claim.
 - e. Administrative Complaint: Department of Human Rights against County of Warren and Warren County DSS, dated May 2, 2024. Date of Loss alleged: November 27, 2023 through March 7, 2024.

A discussion ensued regarding Discussion Item 2A pertaining to Property & Casualty Risk Management Programming and the possibility of creating a part-time position in-house to handle relative matters following which the consensus of the Committee was for the County Attorney to bring more specific information regarding the position to the next Committee meeting to discuss further.

With regard to the executive session, Mr. Wild advised he would also like to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person. Mr. Elmen noted this was pursuant to Public Officer's Law Section 105(1)(f).

Mr. Elmen requested the County Treasurer remain in the executive session. John Taflan, *County Administrator*, requested that the Deputy County Treasurer and Principle Account Clerk in the Treasurer's Office be permitted to enter the executive session when they were called upon.

Motion was made by Mr. Bean, seconded by Mr. Etu and carried unanimously to enter into an executive session pursuant to Section 105(1)(d), 105(1)(f) and 108(3) of the Public Officer's Law for the purposes outlined above.

Executive session was held from 10:28 a.m. until 11:51 a.m; Mr. Merlino exited the meeting during the executive session,

Mr. Wild noted no action was taken during the executive session.

Motion was made by Mr. Bean, seconded by Mr. Maday and carried by a unanimous vote of those present (*Mr. Merlino absent*) to authorize the County Attorney to negotiate, settle and bind the County of Warren on all pending claims in the matters of Warren County v. Continental Insurance & Michael Easterbrooks, NDNY 1:22-cv-328, filed February 1, 2022 and Warren County v. Continental Insurance & John David Smith, NDNY 1:22-cv-431, filed April 1, 2022 up to an amount not to exceed \$900,000, and to authorize the Chair of the Board of Supervisors to sign all settlement documents, in a form approved by the County Attorney. The necessary resolution was authorized for the June 21st Board Meeting.

With regard to the Pending Item, it was the consensus of the Committee to remove the matter.

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. Bean and seconded by Mr. Etu, Mr. Wild declared the meeting adjourned at 11:53 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board