

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: JULY 3, 2024

COMMITTEE MEMBERS PRESENT:

SUPERVISORS DRISCOLL
MERLINO
MADAY
BEAN
ETU
THOMAS

OTHERS PRESENT:

AMANDA ALLEN, CLERK OF THE BOARD
LARRY ELMEN, COUNTY ATTORNEY
JACKIE FIGUEROA, DIRECTOR, HUMAN RESOURCES
MIKE COLVIN, DIRECTOR, INFORMATION TECHNOLOGY
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
JOHN TAFLAN, COUNTY ADMINISTRATOR
SUPERVISORS BRUNO
CROCITTO
STRAINER
STROUGH
ERIN BROTHERS, DATA OFFICER ILS, PUBLIC DEFENDER
JESSICA BURNHAM, SELF-INSURANCE ADMINISTRATOR
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
ROBERT LYNCH, DEPUTY COUNTY TREASURER
CHRISTINE NORTON, COUNTY TREASURER
LIZA OCHSENDORF, DIRECTOR, WORKFORCE DEVELOPMENT
LUKE MOSSEAU, *THE POST STAR*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

COMMITTEE MEMBER ABSENT:

SUPERVISOR WILD

Please note, the following contains a summarization of the meeting of the July 3, 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 - <https://www.youtube.com/watch?v=4gvPoJ6-5IQ>

In the absence of Committee Chair Wild, Mr. Driscoll, as Vice-Chair, called the meeting of the Personnel, Administration & Higher Education Committee to order at 10:03 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. Merlino, seconded by Mr. Bean and carried by a unanimous vote of those present (*Mr. Wild absent*) 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:

Liza Ochsendorf, *Director, Workforce Development*, provided an overview of why she believed moving forward with Agenda Item 5 pertaining to amending the Table of Organization & Salary Schedule to create the new position of Fiscal Manager, *Annual Salary \$70,401*, and delete the position of Employment & Training Account Manager, *Grade 13, Base Annual Salary \$61,136*, effective July 22, 2024, was necessary.

A discussion ensued during which Jackie Figueroa, *Warren County Human Resources Director*, noted her objection to the title change, indicating following her review of the position she believed the proper title for the position should be Fiscal Coordinator; *a copy of the Fiscal Coordinator job description is on file with the meeting minutes.*

Mr. Driscoll 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) Request to rescind Resolution No. 73 of 2020, "*Authorizing the Use of Paid Administrative Leave in the Event of a Medical Quarantine for Disease Prevention*", due to the State requirement being eliminated as of July 31, 2024.

Motion was made Mr. Thomas, seconded by Mr. Bean and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as presented and the necessary resolution was authorized for the July 19th Board Meeting.

- 3) Request to appropriate \$160,000 from Budget Code A.895.00, *Computer Reserve Fund*, to Budget Code A.1681.220.1, *Telecommunications, Office Equipment-Reserve*, to cover the cost of upgrading the County's telephone system.

Motion was made Mr. Merlino, seconded by Mr. Etu and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as presented and forward same to the Finance & Budget Committee.

- 4A) Request to amend the Table of Organization & Salary Schedule to decrease the annual salary of 8th Assistant Public Defender from \$96,936 to \$81,921, effective July 22, 2024.

Motion was made Mr. Bean, seconded by Mr. Thomas and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as presented and the necessary resolution was authorized for the July 19th Board Meeting.

- 4B) Request to amend the Table of Organization & Salary Schedule to create the new position of 13th Assistant Public Defender, Annual Salary \$89,318, effective July 22, 2024.

Motion was made Mr. Bean, seconded by Mr. Maday and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as presented and the necessary resolution was authorized for the July 19th Board Meeting.

- 5) Request to amend the Table of Organization & Salary Schedule to create the new position of Fiscal Manager, *Annual Salary \$70,401*, and delete the position of Employment & Training Account Manager, *Grade 13, Base Annual Salary \$61,136*, effective July 22, 2024.

John Taflan, *County Administrator*, recommended no action being taken on this item today to allow for further research to determine the appropriate title for the position and the Committee members concurred.

- 6A) Request to amend the Table of Organization and Salary Schedule to decrease the annual salary of the Public Health Program Coordinator position from \$66,055.08 to \$0.00, effective August 12, 2024.

Motion was made Mr. Bean, seconded by Mr. Thomas and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as presented and the necessary resolution was authorized for the July 19th Board Meeting.

- 6B) Request to amend the Table of Organization & Salary Schedule to increase the annual salary of the Public Health Manager position from \$0.00 to \$71,535, and to transfer the position from Prevention Program (A.4018.110) to Health Education (A.4018.0040.110), effective August 12, 2024.

Motion was made Mr. Bean, seconded by Mr. Thomas and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as presented and the necessary resolution was authorized for the July 19th Board Meeting.

- 6C) Request to amend the Table of Organization & Salary Schedule to create the new position of Early Intervention Service Coordinator #1, *Grade 18, Base Annual Salary \$68,806*, and delete the positions of Early Intervention Service Coordinator Per Diem (10 hrs/week), *Grade 18, Base Annual Salary \$14,377*, and Early Intervention Service Coordinator #3 (Part-Time 30 hrs/week), *Grade 18, Base Annual Salary \$51,611*, effective September 1, 2024.

Motion was made Mr. Bean, seconded by Mr. Thomas and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as presented and the necessary resolution was authorized for the July 19th Board Meeting.

- 7) Request to amend Resolution No. 167 of 2024, "*Amending Table of Organization and Warren County Salary and Compensation Plan for 2024 to Create Positions within the Department of Public Works*", to delete the position of Fiscal Manager #2, *Annual Salary \$65,807 - \$73,327*.

Motion was made Mr. Bean, seconded by Mr. Thomas and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as presented and the necessary resolution was authorized for the July 19th Board Meeting.

- 8) Request for a transfer of funds in the amount of \$4,910.92 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 an

unanticipated bill from Fitzgerald Morris Baker Firth, P.C. for 2023 Bond services.

Motion was made Mr. Etu, seconded by Mr. Bean and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as presented and forward same to the Finance & Budget Committee.

9) **Action Agenda/New Business Items:**

1. Request: Transfer of funds in the amount of \$40,460.56 from Budget Code A.1990 469, *Contingent Account - Other Payments/Contributions*, to Budget Code A.1325 419, *County Treasurer, Settlements*, to pay two defendants in the matter of Cynthia Rich, et al v. County of Warren & Christine Norton, as County Treasurer, NDNY 1:24-cv-314-AMN-CFH, filed March 6, 2024.

It was noted there was a typographical error in the request, as it indicated they were paying two defendants and it should be two plaintiffs.

Motion was made Mr. Etu, seconded by Mr. Merlino and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as outlined above and forward same to the Finance & Budget Committee.

2. Request: Create Part-Time Position of Property & Casualty Risk Manager
Reason: To develop, implement and manage County-wide risk management process and programming to reduce loss-related costs and increase County's insurance rating to reduce future premium costs.

Motion was made by Mr. Bean, seconded by Mr. Etu and carried by a unanimous vote of those present (*Mr. Wild Absent*) to approve the request as outlined above and the necessary resolution was authorized for the July 19th Board Meeting.

3. Request: Transfer of funds totaling \$37,220.75 from Budget Code A.1990 469, *Contingent Account - Other Payments/Contributions*, to the various Budget Codes within the County Attorney's Departmental Budget.
Reason: To fund position through remainder of 2024.

Motion was made Mr. Etu, seconded by Mr. Bean and carried by a unanimous vote of those present (*Mr. Wild absent*) to approve the request as presented and forward same to the Finance & Budget Committee.

Discussion Items:

A. **2024 Tax Foreclosure Lawsuit:**

- a. Lawsuit filed March 4, 2024 against 286 parcels of real property
- b. March 2024 mailing: 760 interest parties received notice by mail.
- c. As of June 27, 2024: 123 parcels remain subject to foreclosure.
- d. Last day to Redeem: July 12, 2024

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, pending 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. 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.

- May 31, 2024: Motion to Dismiss against remaining plaintiff, Estate of Ann Alice Hennessey, filed with Federal District Court.
2. 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. Dismissed without prejudice: May 21, 2024. June 4, 2024: Notice of Appeal filed.
 - h. Nicholas Oudekerk v. Sergeant Brandon Thomas & Corrections Officer Nicholas Crum, NDNY 9:24-cv-00109-AMN-TWD, filed March 13, 2024.
 3. 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.

County Attorney provided a brief overview of the "Discussion Items" section of his section of the agenda; he questioned whether any Committee member would like to discuss any matter listed in more detail in executive session, but there were no requests for same.

Mr. Taflan apprised representatives from SUNY Adirondack would be attending the next meeting of Personnel, Administration & Higher Education Committee to provide additional information regarding the electrical project they were seeking the County's support of.

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. Etu, seconded by Mr. Bean and carried by a unanimous vote of those present (*Mr. Wild absent*), Mr. Driscoll adjourned the meeting at 10:44 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board