

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: AUGUST 1, 2024

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

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| SUPERVISORS | WILD | AMANDA ALLEN, CLERK OF THE BOARD |
| | DRISCOLL | LARRY ELMEN, COUNTY ATTORNEY |
| | MERLINO | REPRESENTING SUNY ADIRONDACK: |
| | MADAY | ANN MARIE SCHEIDEGGER, VICE PRESIDENT OF ADMINISTRATIVE SERVICES & |
| | BEAN | TREASURER |
| | ETU | MARC MORIN, DIRECTOR OF FACILITIES |
| | THOMAS | KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD |
| | | JOHN TAFLAN, COUNTY ADMINISTRATOR |
| | | SUPERVISORS BRUNO |
| | | CROCITTO |
| | | STRAINER |
| | | TURNER |
| | | TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR |
| | | ROBERT LYNCH, DEPUTY COUNTY TREASURER |
| | | CHRISTINE NORTON, COUNTY TREASURER |
| | | SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD |

Please note, the following contains a summarization of the meeting of the August 1, 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=m9x0SnYkMzk&t=915s>

Mr. Wild called the meeting of the Personnel, Administration & Higher Education Committee to order at 10:28 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. Thomas and carried by a unanimous vote of those present (*Mr. Etu absent*) to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

The agenda review commenced as follows:

- 1) SUNY Adirondack representatives to provide an update on the College. SUNY Adirondack representatives provided and overview of their High Voltage Electrical Infrastructure Replacement (*copy of handout outlining project included in the agenda packet*), requesting a financial commitment of \$1.4 million as Warren County's share of the total \$2 million project cost with Washington County committing the \$600,000 balance.

Mr. Etu entered the meeting at 10:31 a.m. during the update by SUNY Adirondack staff.

Discussion ensued, during which County Administrator apprised the County Treasurer required certain information from SUNY Adirondack relating to project costs in order to include funding for this project in a bond to be secured later in the year; in order to meet the timing constraints related to the bonding, and provide SUNY Adirondack with the authority to provide the information needed by the County Treasurer, a floor resolution committing the project funding would likely be presented at the August 16th Board Meeting, provided there was a consensus among the Committee to do same. Upon further consideration, it was determined there was a consensus of the Committee to proceed with a floor resolution.

- 2) Request/Item to be discussed by the Human Resources Director. Report on tracking of vacancies filled provided in the agenda for informational purposes.
- 3) Referral from the County Facilities Committee - request to amend the Table of Organization and Salary Schedule to create the new position of Fire Prevention & Building Code Enforcement Officer- PT, *Grade 17, Base Annual*

Salary \$56,356, effective August 19, 2024.

Motion was made by Mr. Driscoll, seconded by Mr. Maday and carried unanimously to approve Agenda Item 3 as outlined above with the necessary resolution authorized for the August 16th Board Meeting.

- 4) Referral from the Tourism & Occupancy Tax Coordination Committee - request to amend the Table of Organization and Salary Schedule to create the new position of Fiscal Coordinator *Grade 15, Base Annual Salary \$52,674*, and delete the position of Principle Account Clerk, effective August 19, 2024.

Motion was made by Mr. Bean, seconded by Mr. Merlino and carried unanimously to approve the request as outlined above with the necessary resolution authorized for the August 16th Board Meeting.

- 5) Request/Item to be Discussed by the County Treasurer - request to amend the Table of Organization and Salary Schedule to create the new position of Accounting Technician #3, *Grade 19, Base Annual Salary \$58,652*, and delete the position of Principle Account Clerk #3, *Grade 10, Base Annual Salary \$47,667*, effective August 19, 2024.

Motion was made by Mr. Thomas and seconded by Mr. Bean to approve the request as outlined above. A discussion ensued, following which Mr. Wild called the question and the motion was carried by majority vote, with Mr. Etu voting in opposition, and the necessary resolution was authorized for the August 16th Board Meeting.

- 6) Requests/Items to be Discussed by the County Attorney:

A) 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 which shall be identified at the time of the meeting:

B. Lawsuits without Insurance Coverage:

- 1) Michael Easterbrooks v. Schenectady County, et al, Albany County Index No. 907013-2021, filed August 10, 2021.
- 2) Joshua Rouse v. Berkshire Farms Center for Youth, et al, Warren County Index No. EF2021-69346, filed August 10, 2021.
- 3) Kathleen Innes v. Warren County and Correctional Medical Care, NDNY 1:22-cv-00641-BKS-TWD, filed June 15, 2022.
- 4) 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.
 - July 19, 2024: Plaintiff filed opposition papers to County's Motion to Dismiss.
 - July 25, 2024: County filed reply brief in response to plaintiff's opposition papers.

C. Lawsuits covered by Insurance:

- 1) 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.
- 2) 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.
- 3) 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.

- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) Nicholas Oudekerk v. Sergeant Brandon Thomas & Corrections Officer Nicholas Crum, NDNY 9:24-cv-00109-AMN-TWD, filed March 13, 2024.

D. Notice of Claims & Administrative Complaints:

- 1) Notice of Claim served February 22, 2024: Christian Gottschalt & Kimberlee Gottschalt. Date of Loss alleged: November 29, 2023.
- 2) Notice of Claim served March 7, 2024: Ethan Smith and Jennifer Dees. Date of Loss alleged: November 8, 2023 through March 1, 2024.
- 3) Notice of Claim served March 27, 2024: Irene Esposito. Date of Loss alleged January 13, 2024.
- 4) 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.
- 5) 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.
- 6) Notice of Claim served July 15, 2024. Jennifer Dees & Ethan Smith. Date of Loss alleged: June 2024. Warren County District Attorney's Office regarding assignment as special prosecutor for Saratoga County in the matter of People v. Veronica Smith.

Larry Elmen, *County Attorney*, advised he would defer his updates regarding the “Discussion Items” listed on the agenda until the next Committee meeting when a more substantial briefing could be provided on some of the litigation.

Privilege of the Floor/Public Comment being 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 at 10:48 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board