

**WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION**

**DATE: AUGUST 30, 2024**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS WILD  
DRISCOLL  
MERLINO  
MADAY  
BEAN  
ETU  
THOMAS

**OTHERS PRESENT:**

AMANDA ALLEN, CLERK OF THE BOARD  
JACKIE FIGUEROA, DIRECTOR OF HUMAN RESOURCES  
MATTHEW SCHUETTE, REPRESENTING MARSHALL & STERLING  
KRISTINE DUFFY, PRESIDENT, SUNY ADIRONDACK  
LARRY ELMEN, COUNTY ATTORNEY  
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD  
JOHN TAFLAN, COUNTY ADMINISTRATOR  
SUPERVISORS BRUNO  
CROCITTO  
GERACI  
MAGOWAN  
PATCHETT  
STRAINER  
STROUGH  
TURNER  
NEIL BAKER, HUMAN RESOURCES COORDINATOR  
MIKE COLVIN, DIRECTOR, INFORMATION TECHNOLOGY  
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR  
ROBERT LYNCH, DEPUTY COUNTY TREASURER  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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*Please note, the following contains a summarization of the meeting of the August 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 - <https://www.youtube.com/watch?v=UjZJhPT3YI>

Mr. Wild called the meeting of the Personnel, Administration & Higher Education Committee to order at 9:33 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 unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

The agenda review commenced with Item 2A which pertained to a request/item to be discussed by the Human Resources Director pertaining to the Report on tracking of vacancies filled provided in the agenda for informational purposes.

The agenda review skipped ahead to Item 3 concerning a request/item to be discussed by the Clerk of the Board involving a request to amend the 2024 Warren County Budget in the amount of \$35,000 to adjust the departmental budget for Office of Community Services ARPA funding which was carried over from the 2023 County Budget to 2024.

Motion was made by Mr. Driscoll, seconded by Mr. Bean and carried unanimously to approve Agenda Item 3 as outlined above and refer same to the Finance & Budget Committee.

Returning to Agenda Item 2B, Matt Schuette, *representing Marshall & Sterling*, distributed a handout outlining the 2024-25 health insurance renewal recommendations, which he proceeded to review in detail; *a copy of the proposal is included in the meeting agenda packet.*

Following questions from the Committee on the renewal options, motion was made by Mr. Thomas, seconded by Mr. Etu and carried

unanimously to authorize renewal of health insurance options outlined in the recommendations provided by Marshall & Sterling, and the necessary resolution was authorized for the September 20<sup>th</sup> Board Meeting.

- 4) Request/Item to be discussed by the Director of Information Technology - Request to authorize a new contract with Microsoft Corporation for Microsoft Licensing.

Motion was made by Mr. Maday, seconded by Mr. Bean and carried unanimously to approve the request as outlined above with the necessary resolution authorized for the September 20<sup>th</sup> Board Meeting.

- 5) Referrals from the Human Services Committee:
  - A) Request to reclassify the position of Resource Clerk #1, *Grade 4, Base Annual Salary \$38,447*, to Senior Clerk #TBD, *Grade 4, Base Annual Salary \$38,447*, effective September 23, 2024.
  - B) Request to reclassify the position of Resource Clerk #3, *Grade 4, Base Annual Salary \$38,447*, to Senior Clerk #TBD, *Grade 4, Base Annual Salary \$38,447*, effective September 23, 2024.

Motion was made by Mr. Etu, seconded by Mr. Driscoll and carried unanimously to approve Items 5A-B as outlined above and the necessary resolutions were authorized for the September 20<sup>th</sup> Board Meeting.

Prior to proceeding with the agenda review, Dr. Kristine Duffy, *President, SUNY Adirondack*, provided an update on the college.

The agenda review resumed as follows:

- 6) Requests/Items to be Discussed by the County Attorney (Larry Elmen, County Attorney):  
Action Agenda/New Business Items:
  1. Request: To amend 2024 Warren County Budget to assign insurance proceeds obtained per Resolution 204 of 2024 to increase Budget Code A.918.00, *Assigned, Sexual Abuse Lawsuits*, in the amount of \$900,000.  
Reason: To provide self-funded reserve for sex abuse claims against County alleging conduct during 2023 or later years due to County decision to forego excess insurance coverage on claims arising after December 31, 2022.

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

2. Request: Approving County Policy for Reporting Accidents, Incidents, Claims and Litigation.  
Reason: To designate the County Attorney's Office as the responsible department for tracking, reporting and managing all incidents, claims and litigations matters which may create legal liability for the County, not including worker's compensation claims.

Motion was made by Mr. Thomas, seconded by Mr. Bean and carried unanimously to approve the request as outlined above with the necessary resolution authorized for the September 20<sup>th</sup> Board Meeting.

3. Request: To amend agreement with Roemer Wallens Gold Mineaux, LLP to continue defense of County regarding Federal lawsuit Kathleen Innes, vs. County of Warren, Correctional Medical Care, LLC, CBH Medical, Inc. from \$40,000 to \$60,000.  
Reason: There is no insurance coverage for this Americans with Disabilities Act lawsuit against the County of Warren as the matter was not reported to the insurance carrier during 2018-2019 when the County became aware of the claim. The funding is required to complete discovery, to include depositions, and to prepare and file summary judgment motions seeking dismissal of the claims against Warren County, if deemed appropriate when discovery is completed.
4. Request: To transfer funds from Budget Code A.1990 469, *Contingent Account - Other Payments/Contributions*, to Budget Code A.1420 440, *County Attorney, Legal/Transcript Fees*, in the amount of \$20,000.00.  
Reason: To cover cost to amend agreement with Roemer Wallens Gold Mineaux, LLP.

Motion was made by Mr. Bean, seconded by Mr. Etu and carried unanimously to approve Items 3 and 4 as outlined above and the necessary resolution was authorized for the September 20<sup>th</sup> Board Meeting for Item 3 and Item 4 was referred to the Budget & Finance Committee.

**Discussion Items:**

1. 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:

**A. 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.

**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.

**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.
  - 7) Notice of Claim served August 8, 2024. Joseph Tangrady v. City of Glens Falls & County of Warren. Personal injuries allegedly sustained from falling tree branch. Claim reported to Travelers and claim denied/closed on August 21, 2024.

The County Attorney provided a brief overview of the "Discussion Items" of his section of the agenda.

Privilege of the Floor/Public Comment being called for:

Mr. Patchett spoke regarding the benefit renewal for 2024-2025 plan year.

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 unanimously, Mr. Wild adjourned the meeting at 10:16 a.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board