

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: OCTOBER 3, 2024

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  
DR. KRISTINE DUFFY, PRESIDENT, SUNY ADIRONDACK  
LARRY ELMEN, COUNTY ATTORNEY  
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD  
JOHN TAFLAN, COUNTY ADMINISTRATOR  
SUPERVISORS BRUNO  
GILLIGAN  
CROCITTO  
STRAINER  
STROUGH  
JEREMY SCRIME, SR. COMPUTER SYSTEM ANALYST/PROGRAMMER, INFORMATION TECHNOLOGY  
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR  
KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS  
ROBERT LYNCH, DEPUTY COUNTY TREASURER  
CHRISTIN NORTON, COUNTY TREASURER  
LUKE MOSSEAU, *THE POST STAR*  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the meeting of the October 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 - Part 1- [https://www.youtube.com/watch?v=pzJgnuo\\_U7A](https://www.youtube.com/watch?v=pzJgnuo_U7A)

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

Mr. Wild called the meeting of the Personnel, Administration & Higher Education Committee to order at 10:00 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. Driscoll, seconded by Mr. Bean and carried by a unanimous vote of those present (*Mr. Maday 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 - Dr. Kristine Duffy, *President, SUNY Adirondack*, provided an update on the college.

Mr. Maday entered the meeting at 10:04 a.m.

- 2) Requests/Items to be Discussed by the County Human Resources Director:
  - A) Review of report on tracking of vacancies filled. Report on tracking of vacancies filled provided in the agenda for informational purposes.
  - B) Review of 2024 Budget request - Jackie Figueroa, *County Human Resources Director*, reviewed her 2025 Budget request and answered questions posed by the Committee.
- 3) Requests/Items to be Discussed by the Clerk of the Board:
  - A) Request for a transfer of funds in the amount of \$75,000 from Budget Code A.1990 469, *Contingent Account - Other Payments/Contributions*, to Budget Code A.1185 435, *Medical Examiners, Medical Fees*, to cover the estimated cost of autopsies through the remainder of the year.

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

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- B) Request for a transfer of funds in the amount of \$12,280 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 invoices related to bonding which was an unanticipated expense that was not budgeted for.

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

- C) Request to amend Resolution No. 219 of 2024, *Approving Standard Work Day and Time Reporting Resolution for All Elected Officials for Retirement Purposes*, to include additional elected/appointed officials.

Motion was made by Mr. Etu, seconded by Mr. Thomas and carried unanimously to approve the request as presented and the necessary resolution was authorized for the October 18<sup>th</sup> Board Meeting.

- D) Review of 2024 Budget request - Amanda Allen, *Clerk of the Board*, reviewed her advised the agenda included the budget request and a summary of changes; she encouraged anyone with questions to contact her.

4) Requests/Items to be Discussed by the Director of Information Technology:

- B) Request to appropriate \$4,750 from Budget Code A.895.00, *Computer Reserve Fund*, to various budget codes to cover the cost of purchasing computers and related equipment and software.

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

- A) Request to amend the existing contract with Windstream Enterprises to upgrade on-site equipment to support SIP connection.

Motion was made by Mr. Bean, seconded by Mr. Thomas and carried unanimously to approve the request as presented and the necessary resolution was authorized for the October 18<sup>th</sup> Board Meeting.

- C) Review of 2024 Budget request - Jeremy Scrimme, *Sr. Computer System Analyst/Programmer, Information Technology*, reviewed the Information Technology Department 2025 Budget request and answered questions posed by the Committee.

- 5) Referral from the Economic Growth & Development Committee - Request to create the new position of Fiscal Coordinator, *Annual Salary \$52,674*, effective October 21, 2024 and delete the position of Employment & Training Account Manager, *Grade 13, Base Annual Salary \$61,136*, effective January 13, 2025.

Motion was made by Mr. Etu, seconded by Mr. Maday and carried unanimously to approve the request as presented and the necessary resolution was authorized for the October 18<sup>th</sup> Board Meeting.

6) Referrals from the Public Works Committee:

- A) Request to create the new position of Solid Waste Supervisor, *Grade 15, Base Annual Salary \$52,674*, effective December 1, 2024.  
B) Request to create the new position of MEO - Medium (PT), *Grade 9, Base Annual Salary \$23,045 (20 hours/week)*, effective December 1, 2024.

Motion was made by Mr. Merlino, seconded by Mr. Maday and carried unanimously to approve Agenda Items 6A and 6B as outlined above and the necessary resolutions were authorized for the October 18<sup>th</sup> Board Meeting.

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

**Action Agenda/New Business Items:**

- 1) Request: Resolution Adopting Copyright Policy for Warren County  
Rationale: Warren County does not have a policy regarding the use of copyrighted material.

Motion was made by Mr. Bean, seconded by Mr. Etu and carried unanimously to approve the request as presented and the necessary resolution was authorized for the October 18<sup>th</sup> Board Meeting.

- 2) Request: Resolution approving new contract with New York State Industries for the Disabled, Inc. for mail fulfillment services in support of annual tax foreclosure lawsuit.

Rationale: Contract provides professional printing, mailing, tracking, address updates and written confirmation for service of process required upon every interested party with an interest in a tax delinquent parcel of real property. Under new tax foreclosure legislation, substantial portion of contract cost may be recoverable as legal charge against tax delinquent parcels.

Motion was made by Mr. Bean and seconded by Mr. Etu to approve the request as presented; a discussion ensued during which Mr. Bean exited the meeting at 10:22 a.m.

Mr. Thomas called the question and the motion to approve Item 7-2 as outlined above was carried by a unanimous vote of those present (*Mr. Bean absent*) and the necessary resolution was authorized for the October 18<sup>th</sup> Board Meeting.

The agenda review skipped ahead to the following Items:

- 5) Request: Introducing Local Law 7 of 2024 to Rescind Local Law 4 of 2008.  
Rationale: Local Law 4 of 2008 established County policies for employee benefits provided to employees not covered by a bargaining unit (i.e. out of unit employees). This local law was not rescinded, repealed or amended. Once rescinded, the County may establish certain employee benefits for Out of unit employees by resolution which are consistent with existing County resolutions.

Mr. Bean re-entered the meeting at 10:25 a.m.

Motion was made by Mr. Merlino, seconded by Mr. Etu and carried unanimously to approve the request as presented and the necessary resolution was authorized for the October 18<sup>th</sup> Board Meeting.

- 6) Request: To transfer funds from Budget Code A.1990 469, *Contingent Account - Other Payments/Contributions*, to Budget Code A.1420 440.2, *County Attorney, Transcription Fees*, in the amount of \$3,000.00.  
Reason: To cover litigation expenses incurred from "Legacy" lawsuits which do not possess insurance coverage.

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

**Discussion Items:**

1. 2025 County Attorney Department Budget
2. 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) *Opioid Litigation Actions: Settlement Agreement with Target Corp.***

- 2) *Michael Easterbrooks v. Schenectady County, et al*, Albany County Index No. 907013-2021, filed August 10, 2021.
- 3) *Joshua Rouse v. Berkshire Farms Center for Youth, et al*, Warren County Index No. EF2021-69346, filed August 10, 2021.
- 4) *Kathleen Innes v. Warren County and Correctional Medical Care*, NDNY 1:22-cv-00641-BKS-TWD, filed June 15, 2022.
- 5) *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.
  - October 8, 2024: Court conference in Federal District Court regarding pending motions to dismiss.

**B. 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) *Nicholas Oudekerk v. Sergeant Brandon Thomas & Corrections Officer Nicholas Crum*, NDNY 9:24-cv-00109-AMN-TWD, filed March 13, 2024.
  - September 13, 2024: Motion to Dismiss filed.

**C. Notice of Claims & Administrative Complaints:**

- 1) **Notice of Claim served February 22, 2024: Christian Gottschalt & Kimberlee Gottschalt. Date of Loss alleged: November 29, 2023.**
  - **Claim Closed: September 2024.**
- 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. Claim Closed: September 2024. Accident location identified as Fort William Henry not County-owned Charles Wood Park.**
- 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.**
  - **Claim Closed: September 2024. Claim tendered to insurance carrier for general contract for Countryside Adult Home construction project.**
- 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.**
  - **Claim Closed: August 2024. No theory of liability. Not our tree-Note our roadway.**
- 8) **Notice of Claim served September 17, 2024. David J. Funaro, Jr. & Sarah A Vedder v. Glens Falls and Glens Falls Police Department, Violation of constitutional rights, excessive force, perjury, property damage, and retaliation arising from execution of search warrant.**

Larry Elmen, *County Attorney*, reviewed the portions of the Discussion Items of his section of the Agenda that did not require an executive session which included the highlighted portion of Item 7-2-C, as well as his 2025 Budget Request and answered questions posed by the Committee members.

Mr. Elmen advised an executive session was required to discuss the following pending litigation: Opioid Settlement Agreement Terms with Target Corp; Opioid Settlement Agreement Terms with Henry Schein Inc. and Henry Schein Medical Systems; and Jasmine Earnest v. Town of Queensbury, County of Warren, Stiling Electric, Inc. & Joanne Levack

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

Mr. Elmen requested that the County Treasurer be permitted to remain in the executive session; Messrs. Bean and Driscoll amended their motions to indicate same. Mr. Wild called the question and the motion to enter into executive session for the purposes outlined above was carried unanimously.

Executive session was held from 10:48 a.m. until 10:58 a.m.

Upon reconvening, Mr. Wild announced no action was taken during the executive session.

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The Agenda review resumed and returned to the following Items:

- 3) Accepting Opioid Settlement Agreement Terms with Target Corp. and authorizing Chairman of Board, County Attorney and Outside Legal Counsel authority to execute all necessary documents.  
Rationale: To obtain additional funding for Opioid Remediation. Further information available during Executive Session, if requested.
- 4) Request: Accepting Opioid Settlement Agreement Terms with Henry Schein Inc. and Henry Schein Medical Systems, Inc. and authorizing Chairman of Board, County Attorney and Outside Legal Counsel authority to execute all necessary documents.  
Rationale: To obtain additional funding for Opioid Remediation. Further information available during Executive Session, if requested

Motion was made by Mr. Bean, seconded by Mr. Etu and carried unanimously to approve Items 7-3 and 7-4 as presented and the necessary resolutions were authorized for the October 18<sup>th</sup> Board Meeting.

Privilege of the Floor/Public Comment were 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 unanimously, Mr. Wild adjourned the meeting at 10:59 a.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board