

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: OCTOBER 29, 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	MATTHEW SCHUETTE, REPRESENTING MARSHALL & STERLING
ETU	KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
THOMAS	JOHN TAFLAN, COUNTY ADMINISTRATOR
	SUPERVISORS BRUNO
COMMITTEE MEMBER ABSENT:	STRAINER
SUPERVISOR BEAN	STROUGH
	TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
	CHRISTINE NORTON, COUNTY TREASURER
	RAY PERRY, MAYOR, VILLAGE OF LAKE GEORGE
	LUKE MOSSEAU, <i>THE POST STAR</i>
	SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the meeting of the October 29, 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=z6Qy0fLjHSs>

Part 2 - <https://www.youtube.com/watch?v=olqYR4Dq4eg>

Mr. Wild called the meeting of the Personnel, Administration & Higher Education Committee to order at 10:01 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. Etu, seconded by Mr. Driscoll and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

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:

- 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) Matt Schuette, *representing Marshall & Sterling*, to discuss 2025 Anthem Medicare Advantage renewal.

Mr. Schuette distributed a handout outlining the Anthem Medicare Advantage renewal, 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, motion was made by Mr. Driscoll, seconded by Mr. Thomas and carried by a majority vote of those present (*Mr. Bean absent*), with Mr. Maday recusing, to authorize renewal of Anthem Medicare Advantage coverage effective January 1, 2025, and the necessary resolution was authorized for the November 15th Board Meeting.

- C) Request to adopt the revisions to the Warren County Out-of-Unit Employee Benefits Policy as outlined in the agenda attachment.

Mr. Elmen advised the effective date was incorrect in paragraphs 10 and 11 on page 9 and should be November 30, 2024. He added another change was required on page 13 under Health Insurance Coverage in Retirement referenced in paragraph 3, indicating it was necessary to determine when retirees who had elected at the time of retirement not to participate in the health insurance offered to County employees who had been employed with the County for at minimum 20 years could enroll at a future date whether that be only during open enrollment or the first of the month.

Following discussion, it was the consensus of the Committee to allow retirees health insurance on the 1st of the month. Mr. Elmen noted he would make the appropriate amendments to the policy.

Motion was made by Mr. Etu, seconded by Mr. Maday and carried by a unanimous vote of those present (*Mr. Bean absent*) to adopt the revisions to the Warren County Out-of-Unit Employee Benefits Policy as outlined in the agenda attachment and including amendment suggestions made by the County Attorney and the necessary resolution was authorized for the November 15th Board Meeting.

- 3) Referral from the Criminal Justice, Public Safety & Emergency Services Committee - to amend the Table of Organization & Salary Schedule to create the new position of Patrol Sergeant #11-C (*Contingent Position*), *Annual Salary \$66,111*, effective January 1, 2025 to March 31, 2025.

Motion was made by Mr. Etu and seconded by Mr. Maday to approve the request as presented; following discussion Mr. Wild called the question and the motion as outlined above was carried by a unanimous vote of those present (*Mr. Bean absent*) and the necessary resolution was authorized for the November 15th Board Meeting.

- 4) Requests/Items to be Discussed by the County Administrator:
 - A) Request to rescind Resolution No. 597 of 2019, *Adopting Amended Department Head Evaluation Policy and Related Forms*.
 - B) Request to rescind Resolution No. 535 of 2022, *Resolution Requiring that All Warren County Employees Complete and Annual Diversity, Equity and Inclusion Training*.

Motion was made by Mr. Maday, seconded by Mr. Merlino and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve Agenda Items 4A-B as outlined above and the necessary resolutions were authorized for the November 15th Board Meeting.

- 5) Requests/Items to be Discussed by the County Attorney:
Action Agenda/New Business Items:
 - A) Request: Approving Settlement terms in the matter of Michael Davis v. Cole Palmer, Nicole Palmer, Town of Queensbury & Warren County, Warren County Supreme Court, Index No. EF2023-71114, filed March 3, 2023, and authorizing payment to settle all claims for the amount of \$7,500.00 which is less than the self-insured retention amount under applicable policies of insurance.
Rationale: To settle lawsuit filed March 3, 2023 alleging Warren County DPW was negligent in the inspection, maintenance, management, control, construction and placement of traffic control devices at the intersection of West Mountain Road and Luzerne Road on May 14, 2022. Plaintiff also settling claims against Town of Queensbury. The County settlement amount is \$7,500.00 which is an amount less than the self-insured retention amount under current policies of insurance.

Motion was made by Mr. Etu and seconded by Mr. Driscoll to approve the request as presented; following discussion Mr. Wild called the question and the motion was carried by a unanimous vote of those present (*Mr. Bean absent*) and the necessary resolution was authorized for the November 15th Board Meeting.

- B) Request: Amending Warren County Discrimination and Harassment Policy, Resolution 203 of 2023.
Rationale: Proposed amended policy is based upon New York State Department of Labor proposed policy and incorporates recent legislative requirements.

Motion was made by Mr. Etu, seconded by Mr. Mayday and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve the request as presented and the necessary resolution was authorized for the November 15th Board Meeting.

Discussion Items:

- C) 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:

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.
 - October 8, 2024: Court conference in Federal District Court regarding pending motions to dismiss. All separately filed lawsuits consolidated into single matter following court conference.

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.

Notice of Claims & Administrative Complaints:

- 1) Notice of Claim served March 7, 2024: Ethan Smith and Jennifer Dees. Date of Loss alleged: November 8, 2023 through March 1, 2024.
- 2) 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.
- 3) 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.
- 4) 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*, advised an executive session under Section 105(1)(d) of the Public Officer's Law, as well as Attorney/Client communications was required to discuss the following pending litigation: County Attorney Agenda Discussion Item Nos. 4 and 5 under Lawsuits covered by Insurance.

Motion was made by Mr. Etu and seconded by Mr. Driscoll and carried by a unanimous vote of those present (*Mr. Bean absent*) to enter into an executive session pursuant to Section's 105(1)(d) of the Public Officer's Law, as well as Attorney/Client Privilege for the purposes outlined above.

Executive session was held from 10:28 a.m. until 10:52 a.m.

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

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. Merlino and seconded by Mr. Thomas, Mr. Wild adjourned the meeting at 10:52 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board