

**WARREN COUNTY BOARD OF SUPERVISORS**

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

**DATE: JANUARY 30, 2025**

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**COMMITTEE MEMBERS PRESENT:** SUPERVISORS WILD  
DRISCOLL  
ETU  
MADAY  
PATCHETT  
MERLINO

**OTHERS PRESENT:** AMANDA ALLEN, CLERK OF THE BOARD  
LARRY ELMEN, COUNTY ATTORNEY  
JACKIE FIGUEROA, DIRECTOR OF HUMAN RESOURCES  
MIKE COLVIN, DIRECTOR, INFORMATION TECHNOLOGY  
DR, KRISTINE DUFFY, PRESIDENT, SUNY ADIRONDACK  
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD  
JOHN TAFLAN, COUNTY ADMINISTRATOR

**COMMITTEE MEMBER ABSENT:** SUPERVISOR BEAN

FRANK THOMAS, BUDGET OFFICER  
SUPERVISORS CONOVER  
CROCITTO  
GERACI  
STRAINER  
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR  
KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS  
CHRISTINE NORTON, COUNTY TREASURER  
LARRY PALTROWITZ, SPECIAL COUNSEL TO THE COUNTY  
MARILYN RIVERS, PROPERTY & CASUALTY RISK MANAGER  
LUKE MOSSEAU, *THE POST STAR*  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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*Please note, the following contains a summarization of the meeting of the January 30, 2025 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=Xkdnbcfen3Q>

Part 2 - <https://www.youtube.com/watch?v=LUef5H6hrKY>

Part 3 - [https://www.youtube.com/watch?v=DBT\\_KjCu9ws](https://www.youtube.com/watch?v=DBT_KjCu9ws)

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. Merlino, seconded by Mr. Maday and carried by a unanimous vote of those present (*Mr. Bean absent*), with Mr. Patchett abstaining, to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Mr. Wild announced they would be jumping ahead to Agenda Item 6C concerning an executive session to discuss a Collective Bargaining matter and he asked Larry Elmen, *County Attorney*, to expound on the purpose of the executive session. Mr. Elmen indicated an executive session was required to discuss Collective Bargaining negotiations pursuant to Section 105(1)(e) of the Public Officer's Law. He requested that the following individuals be permitted to remain in the executive session: Larry Paltrowitz, *Special Counsel to the County*; Christine Norton, *County Treasurer*; Marilyn Rivers, *Property & Casualty Risk Manager*; Jackie Figueroa, *Director of Human Resources*; and Kevin Hajos, *Superintendent of Public Works*.

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

Executive session was held from 10:03 a.m. until 10:36 a.m.

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

The agenda review resumed with Item 1 concerning an update from Dr. Kristine Duffy, *President, SUNY Adirondack*, regarding the college.

- 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) Request to authorize a new contract with Adirondack EAP for WC 82-24 Provision of Employee Assistance Program for County employees, commencing March 1, 2025 and terminating February 28, 2030.

Motion was made by Mr. Driscoll, seconded by Mr. Maday and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve Item 2B as presented and the necessary resolution was authorized for the February 21<sup>st</sup> Board Meeting.

- 3) Requests/Items to be Discussed by the Clerk of the Board:
  - A) Request to authorize renewal of agreement with Glens Falls Hospital for autopsy services and authorizing the Chair of the Board to sign a letter of agreement with Glens Falls Hospital for same.

The County Administrator apprised he had spoken to representatives of Glens Falls Hospital regarding autopsy services during which they indicated they had no plans to cease offering these services. He added the discussion regarding the possibility of constructing a regional morgue in Warren County was ongoing.

Motion was made by Mr. Merlino and seconded by Mr. Maday to approve the request as presented.

Mr. Elmen apprised due to the fact that Glens Falls Hospital had recently become part of Albany Health System it was necessary for his Office to determine the proper contractor name for purposes of a legal relationship.

Messrs. Merlino and Maday amended their motion to indicate authorizing renewal of agreement with Albany Med Health System - Glens Falls Hospital for autopsy services and authorizing the Chair of the Board to sign a letter of agreement for same, pending review by the County Attorney; Mr. Wild called the question and the motion was carried by a unanimous vote of those present (*Mr. Bean absent*) to approve the request as amended and the necessary resolution was authorized for the February 21<sup>st</sup> Board Meeting.

- B) Request to amend the Rules of the Board to change the dates of the April and May Board Meetings.

Motion was made by Mr. Maday, seconded by Mr. Driscoll and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve Item 3B as presented and the necessary resolution was authorized for the February 21<sup>st</sup> Board Meeting.

- 4) Request/Item to be Discussed by Director of Information Technology regarding a request to appropriate \$33,000 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. Etu and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve Item 4 as presented and refer same to the Finance & Budget Committee.

- 5) Referrals from the Criminal Justice, Public Safety & Emergency Services Committee:
  - A) Request to amend the Table of Organization & Salary Schedule to create the new position of Probation Officer Trainee, *Grade 16, Base Annual Salary \$57,270*, and unfund but retain in the Table of Organization the position of Probation Officer, effective February 24, 2025.

Motion was made by Mr. Driscoll, seconded by Mr. Maday and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve Item 5A as presented and the necessary resolution was authorized for the February 21<sup>st</sup> Board Meeting.

- B) Request to amend the Table of Organization and Salary Schedule to create the new position of Building Maintenance Mechanic P/T, *Grade 15, Base Annual Salary \$28.86/hr*, effective February 24, 2025.

Motion was made by Mr. Maday, seconded by Mr. Etu and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve Item 5B as presented and the necessary resolution was authorized for the February 21<sup>st</sup> Board Meeting.

- 6) Request/Items to be Discussed by the County Administrator:

- A) Request to adopt the Warren County Meeting, Conference and Job Training Policy.

Motion was made by Mr. Merlino, seconded by Mr. Maday and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve Item 6A as presented and the necessary resolution was authorized for the February 21<sup>st</sup> Board Meeting.

- B) *On Behalf of the Department of Public Works* - Request to amend Resolution No. 433 of 2019, *Adopting Revised Warren County Payroll Rules Policy*, to adopt the revised Warren County Payroll Rules Policy for per diem and less than part-time employees of DPW to compensate DPW employees that are either per diem/less than part-time at a rate of time and one half when working a holiday, any hours over eight per shift or in excess of forty hours per week retroactive to December 2, 2024. - This Item was withdrawn from the Agenda.

- C) Executive session to discuss a Collective Bargaining matter. - This item was addressed at the beginning of the meeting.

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

**Action Agenda/New Business Items:**

- A) Request: Resolution approving a unified "County Motor Vehicle Use Program" Policy.

Rationale: The proposed policy began in September 2024 to separate the County's "Travel and Education Policy" into two separate policies and to incorporate the various Department-level vehicle policies into a single unified, County Motor Vehicle Use Program policy. The enclosed policy was reviewed and modified by the Risk & Safety Committee on January 16, 2025.

It was noted Section 6 paragraphs 3 and 4 would be modified to consolidate those two paragraphs pending receipt of additional information from the Treasurer's Office.

Motion was made by Mr. Merlino, seconded by Mr. Etu and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve Item 7A as outlined above and the necessary resolution was authorized for the February 21<sup>st</sup> Board Meeting.

- B) Request: To transfer funds in the amount of \$1,400 from Budget Code A.1990 469, *Contingent Account, Other Payments/Contributions*, to Budget Code A. 1420 436, *County Attorney, Advertising Fees*.

Rationale: Due to new NYS tax foreclosure laws, the annual tax foreclosure sale needed to be filed three months earlier than in past years. As a result, more parcels were included in 2025 tax foreclosure lawsuit, than past years, which increased the newspaper publications costs. For 2025, 445 parcels were listed in lawsuit, as compared to 286 parcels listed in 2024 lawsuit.

Motion was made by Mr. Patchett, seconded by Mr. Etu and carried by a unanimous vote of those present (*Mr. Bean absent*) to approve Item 7B as presented and refer same to the Finance & Budget Committee.

**Discussion Items:**

- C) Contract Templates and Contract Workflow:

- D) Litigation Update: Request for a motion to enter into an executive session, per Public Officer's Law§105(1)(d), to engage in discussions of proposed, pending and current litigation and to provide attorney-client communications per Public Officer's Law§108(3), concerning one or more of the matters listed below which shall be identified at the time of meeting:

- a. Proposed lawsuit: To enforce County breach of contract claim and seek specific performance

- b. Lawsuits without Insurance Coverage:

- 1) Michael Easterbrooks v. Schenectady County, et al, Albany County Index No. 907013-2021, filed August 10, 2021. Discovery ongoing. Stay in place following death of Plaintiff-awaiting appointment of Estate administrator. No new activity.
- 2) Joshua Rouse v. Berkshire Farms Center for Youth, et al, Warren County Index No. EF2021-69346, filed August 10, 2021. Discovery ongoing.
- 3) Kathleen Innes v. Warren County and Correctional Medical Care, NDNY 1:22-cv-00641-BKS-TWD, filed June 15, 2022. Discovery completed. Summary judgment motions filing deadline: 2/28/2025.
- 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.
  - No new activity.
- 5) Village of Hudson Falls v. Town of Queensbury, Town of Kingsbury, County of Washington & County of Warren, Index No. 2024-37927, filed December 10, 2024. Action to Quiet Title on Village/Town Boundary Line along Warren Street and Quarry Crossing between Dix Avenue and River Street. Hearing on Motion for Preliminary Injunction: January 31, 2025.
- c. **Lawsuits Covered by Insurance:**
- 1) Tyson Poulos (Pro Se) 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. County Motion to Dismiss GRANTED 12/20/2024. County issued closing letters to all named County defendants: 12/24/2024 (MATTER CLOSED).
  - 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. Depositions ongoing.
  - 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. Depositions ongoing.
  - 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. Matter settled: December 2024 (MATTER CLOSED)
  - 5) Jasmine Earnest v. Town of Queensbury, County of Warren, Stilsing 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. Depositions ongoing.
  - 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. Discovery ongoing.
  - 7) Nicholas Oudekerk (Pro Se) 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.
    - October 10, 2024/October 24, 2024/December 4, 2024: Court provides Pro Se Plaintiff additional time and opportunity to file opposition papers to Motion to Dismiss.
    - December 19, 2024: Pro Se Plaintiff files opposition papers.
  - 8) James Condon v. Warren County Deputy Sheriffs Ortiz & Duggan, NDNY 1:24-cv-1172, filed September 25, 2024. Discovery started. Mandatory Mediation Pending.
  - 9) Corey M. Russell (Pro Se) v. Bailey, NDNY 9:24-cv-1109, filed November 4, 2024. Date of Loss: June 4, 2024. Order dismissing various claims filed October 23, 2024. Discovery to be started.
- d. **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. Pending administrative determination.

- 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.
- 5) Notice of Claim served November 25, 2024: Rosemarie Salerno. Date of Loss: August 23, 2024. Alleging defective sidewalk in Village of Lake George behind Christie's on the Lake. Affidavit submitted-not County sidewalk/walkway.

Mr. Elmen advised an executive session was required to discuss the following pending litigation subject to Section §105(1)(d) of the Public Officer's Law to discuss pending, proposed and current litigation and also provide Attorney/Client communications under Section §108(3) of the Public Officer's Law : Agenda Items 7-D-a;7-D-b-5, 7-D-c-1 and 5, 7 and 9; and 7-D-6 of the County Attorney's portion of the agenda.

Motion was made by Mr. Maday to enter into an executive session pursuant to Sections §105(1)(d) and §108(3) of the Public Officer's Law for the purposes outlined above. Mr. Elmen requested that Ms. Rivers be permitted to remain in the executive session.

Mr. Mayday amended his motion and Mr. Etu seconded the motion as amended; Mr. Wild called the question and the amended motion was carried by a unanimous vote of those present to enter into an executive session pursuant to Sections §105(1)(d) and §108(3) of the Public Officer's Law for the purposes outlined above.

Executive session was held from 11:06 a.m. until 11:31 a.m.

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

Mr. Elmen noted an item not included on the agenda pertained to the receipt of a Notice of Claim that was filed on January 24, 2025 by Tyson Poulos. He stated this claim had been referred to the County's insurance carrier for coverage.

The Agenda review resumed with 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. Etu and seconded by Mr. Patchett, Mr. Wild declared the meeting adjourned at 11:37 a.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board