

**WARREN COUNTY BOARD OF SUPERVISORS**

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

**DATE: MARCH 6, 2025**

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**COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:**

SUPERVISORS	DRISCOLL	AMANDA ALLEN, CLERK OF THE BOARD
	ETU	LARRY ELMEN, COUNTY ATTORNEY
	MADAY	JACKIE FIGUEROA, DIRECTOR OF HUMAN RESOURCES
	BEAN	KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
	PATCHETT	JOHN TAFLAN, COUNTY ADMINISTRATOR
		FRANK THOMAS, BUDGET OFFICER

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS	WILD	SUPERVISORS	CROCITTO
	MERLINO		GERACI
			GILLIGAN
			MAGOWAN
			STRAINER
			STROUGH
			ERIN BROTHERS, DATA OFFICER, ILS
			TERRY COMEAU, UNDERSHERIFF
			TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
			KEVIN HAJOS, SUPERINTENDENT OF PUBLIC WORKS
			ERIN KOMON, FIRST ASSISTANT PUBLIC DEFENDER
			JIM LAFARR, SHERIFF
			MARILYN RIVERS, PROPERTY & CASUALTY RISK MANAGER
			SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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*Please note, the following contains a summarization of the meeting of the March 6, 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=22Lc3gQaVIE>*

*Part 2 - <https://www.youtube.com/watch?v=Cusjb1dFv2s>*

In the absence of Committee Chair Wild, Mr. Driscoll, as Vice-Chair, called the meeting of the Personnel, Administration & Higher Education Committee to order at 9:30 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. Maday and carried by a unanimous vote of those present (*Messrs. Wild, Bean, Patchett and Merlino absent*), to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board. Please note due to a lack of attendance, Chairman Geraghty served to make a quorum of the Committee.

Commencing the Agenda review Action Agenda Item 1, pertaining to an update from SUNY Adirondack representatives, the County Administrator noted no one was present from SUNY Adirondack to speak, but noted that the name of the new President for SUNY Adirondack should be announced next week.

The remainder of the Action Agenda review proceeded as follows:

- 2) Requests/Items to be Discussed by the County Human Resources Director. Report on tracking of vacancies filled provided in the agenda for informational purposes.
- 3) Referral from the Criminal Justice, Public Safety & Emergency Services pertaining to a request to amend the Table of Organization & Salary Schedule to increase salaries within the Public Defender's Office as outlined in the agenda attachment effective March 24, 2025 with the understanding the salary increases are contingent upon continued receipt of State funding.

Motion was made by Mr. Maday, seconded by Mr. Etu and carried by a unanimous vote of those present (*Messrs. Wild, Bean,*

*Patchett and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the March 21, 2025 Board Meeting.

- 4) Referral from the Public Works Committee regarding a request to amend the Table of Organization & Salary Schedule to create the new position of Motor Equipment Operator - (Medium), *Base Annual Salary \$48,826*, effective April 1, 2025.

Motion was made by Mr. Maday, seconded by Mr. Etu and carried by a unanimous vote of those present (*Messrs. Wild, Bean, Patchett and Merlino absent*) to approve Item 4 as presented and the necessary resolution was authorized for the March 21, 2025 Board Meeting.

- 5) Requests/Items to be Discussed by the County Administrator:
  - A) Request to adopt the Warren County Emergency Closure Policy.

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

- B) Request to approve the recommendations of the Reallocation Committee as outlined in Schedule A of the agenda attachment to become effective March 24, 2025.

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

- C) Request to nominate John Taflan to serve on the CDTA Board of Directors.

The County Administrator indicated he would like to revise this request to nominate Liza Ochsendorf, *Director, Workforce Development*, instead of himself to serve on the CDTA Board of Directors.

Motion was made by Mr. Etu and seconded by Mr. Maday to approve the request as to nominate Liza Ochsendorf to the CDTA Board of Directors.

County Attorney recommended the motion be amended to indicate the nomination was subject to approval by the Minority (*Democrat*) and Majority (*Republican*) members of the Warren County Board of Supervisors.

Messrs. Etu and Maday amended their motion and second to indicate the nomination was subject to the terms outlined above as per the County Attorney's recommendation; Mr. Driscoll called the question and the motion, as amended, was carried by a unanimous vote of those present (*Messrs. Wild, Bean Patchett and Merlino absent*) to approve and the necessary resolution was authorized for the March 21, 2025 Board Meeting.

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

**Action Agenda/New Business Items:**

- A) Request: Resolution request to amend Resolution 497 of 2019 to delegate approval authority for settlement and payment of property loss and liability claims and actions to the County Attorney which are within the County's insurance deductible and less than \$25,000.00 from the Insurance Reserve Fund (A.863.00); to report to the Personnel, Administration & Higher Education Committee all payments from the Insurance Reserve Fund; and to increase the funding for the Insurance Reserve Fund (A.863.00).

Rationale: Resolution 497 of 2019 established a County Insurance Reserve Fund (A.863.00). There is currently \$15,000 remaining in the Insurance Reserve Fund from the initial 2019 investment of \$50,000. There are three core amendments to the existing resolution.

The first amendment delegates approval authority to the County Attorney to settle small claims which the County receives and to issue payments from the Insurance Reserve Fund when it is in the best interest of the County to do

so. The second amendment creates a reporting requirement to the Personnel, Administration & Higher Education Committee for all settled and paid claims and actions from the Insurance Reserve Fund.

The third amendment increases the 2025 allocation for the Insurance Reserve Fund by \$52,786.15.

Mr. Bean entered the meeting at 9:51 a.m., at which time Chairman Geraghty left the Committee table.

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

- B) Request: Resolution request to amend the 2025 Warren County Budget in the amount of \$52,786.15 to reflect receipt of General Liability Insurance budget lines for the various department into Insurance Reserve Fund A.863.00.

Rationale: To provide funding which will achieve the goals and objectives sought through the above-stated proposed amendments to Resolution 497 of 2019.

Motion was made by Mr. Etu, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Wild, Patchett and Merlino absent*) to approve Item 6B as presented and refer same to the Finance & Budget Committee.

**Discussion Items:**

**Discussion Items:**

- C) Personnel Update: Request for a motion to enter into an executive session, per Public Officers Law § 105(1)(f), to engage in discussions regarding two matters involving the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or persons and to provide attorney-client communications per Public Officers Law § 108(3).
- D) Litigation Update: Request for a motion to enter into an executive session, per Public Officers Law § 105(1)(d), to engage in discussions of proposed, 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:
1. Lawsuits without Insurance Coverage:
    - a) 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.
    - b) Joshua Rouse v. Berkshire Farms Center for Youth, et al, Warren County Index No. EF2021-69346, filed August 10, 2021. Discovery ongoing.
    - c) 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, extended to 3/28/2025.
    - d) 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.
  - e) 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 March 20, 2025.
- 2) Lawsuits covered by Insurance:
- a) 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.
  - b) 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.
  - c) 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. Discover disclosure deadline: 3/28/2025; Summary judgment motion deadline: May 16, 2025; Pretrial conference: 9/4/2025; Trial Date: 10/10/2025 through 10/31/2025
  - d) 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.
  - e) Tarrah Rockwell v. County of Warren and Bast Hatfield Construction, LLC, Warren County Index No. EF2024-73064, filed September 18, 2024. Date of Loss: September 23, 2023. Claim tendered to Bast Hatfield and tender accepted for defense of claim and indemnification.
  - f) 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.
    - Decision & Order pending.
- 3) Notice of Claims & Administrative Complaints:
- a) Notice of Claim served March 7, 2024: Ethan Smith and Jennifer Dees. Date of Loss alleged: November 8, 2023 through March 1, 2024.
  - b) Administrative Complaint: Department of Human Rights for Richie Russo against County of Warren and Warren County DSS, dated May 2, 2024. Date of Loss alleged: November 27, 2023 through March 7, 2024. 2/3/2025: **Final Investigation Report and Basis of Determination issued by NYS Division of Human Rights finding probable cause to support allegations of the complaint. Matter to proceed to administrative law judge for hearing.**
  - c) 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.
  - d) 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.

Mr. Elmen advised an executive session was required to discuss two matters involving the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or persons to County Attorney Agenda Item 6C subject to Section 105(1)(f) of the Public Officer's Law and 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 of the County Attorney's portion of the agenda under Section §108(3) of the Public Officer's Law: Agenda Items 6D-1-c; 6D-1-e; 6D-2-c; and 6D-3-b. He requested that Kevin Hajos, *Superintendent of Public Works*, be permitted to participate in the executive session during the discussion on the two matters involving the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or persons and the

Director of Human Resources and Property & Casualty Risk Manager be allowed to participate in the entire executive session. Motion was made by Mr. Bean, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Wild, Patchett and Merlino absent*) to enter into an executive session pursuant to Sections §105(1)(d); §105(1)(f) and §108(3) of the Public Officer's Law for the purposes outlined above.

Executive session was held from 10:00 a.m. until 11:09 a.m.; Mr. Patchett entered the meeting during the executive session.

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

The Agenda review resumed with Privilege of the Floor/Public Comment being called for:

Mr. Magowan made comments regarding concerns he had with the Warren County Policy Against Discrimination and Harassment based on his personal experience.

There being no further business to come before the Personnel, Administration & Higher Education Committee, on motion made by Mr. Maday, seconded by Mr. Etu and carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*), Mr. Driscoll adjourned the meeting at 11:11 a.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board