

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: MAY 1, 2025

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS	WILD	AMANDA ALLEN, CLERK OF THE BOARD
	DRISCOLL	MIKE COLVIN, DIRECTOR, INFORMATION TECHNOLOGY
	ETU	LARRY ELMEN, COUNTY ATTORNEY
	MADAY	JACKIE FIGUEROA, DIRECTOR OF HUMAN RESOURCES
	PATCHETT	REPRESENTING SUNY ADIRONDACK: DR. KRISTINE DUFFY, PRESIDENT
COMMITTEE MEMBERS ABSENT:		LARRY PALTROWITZ, SPECIAL COUNSEL
SUPERVISORS	BEAN	KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
	MERLINO	JOHN TAFLAN, COUNTY ADMINISTRATOR
		FRANK THOMAS, BUDGET OFFICER
		SUPERVISORS CROCITTO
		STRAINER
		STROUGH
		TURNER
		GREGORY CANALE, PUBLIC DEFENDER
		CHRISTINE NORTON, COUNTY TREASURER
		MARILYN RIVERS, PROPERTY & CASUALTY RISK MANAGER
		CARLA SHERMAN, COUNTY AUDITOR
		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 May 1, 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=8q0ryGT32v8>

Part 2 - https://www.youtube.com/watch?v=fhEkkE_zCmY

Part 3 - <https://www.youtube.com/watch?v=0zgJpbUPSDs>

Mr. Wild called the meeting of the Personnel, Administration & Higher Education Committee to order at 10:10 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. Bean and Merlino absent*) to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

The agenda review skipped ahead to Item 1B which pertained to a request for a resolution approving the collective bargaining agreement between SUNY Adirondack and the Faculty Association of Adirondack Community College for term commencing September 1, 2025 and terminating August 31, 2030, contingent upon adoption of a similar resolution by the Washington County Board of Supervisors.

Larry Elmen, *County Attorney*, apprised an executive session was necessary pursuant to Section 105(1)(e) of the Public Officer's Law to discuss collective bargaining agreement negotiations. It was requested that Larry Paltrowitz, *Special Counsel to SUNY Adirondack*, and Dr. Kristine Duffy, *President, SUNY Adirondack*, be permitted to attend the executive session.

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

Executive session was held from 10:11 a.m. until 10:21 a.m.

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

Returning to Agenda Item 1A, Dr. Duffy provided an update on SUNY Adirondack operations and the upcoming graduation ceremony.

The agenda review skipped ahead to Item 1C, which pertained to a request for a resolution of support for SUNY Adirondack to sell property located at 240 Sanford Street in the City of Glens Falls. Attorney Paltrowitz advised the property was no longer of use by SUNY Adirondack and they would like to list the property for sale at the appraised value of \$100,000, contingent upon adoption of resolutions of support from Warren and Washington Counties. A brief discussion ensued.

Motion was made by Mr. Patchett, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Bean and Merlino absent*) to approve the request as outlined above and the necessary resolution was authorized for the May 13th Board Meeting.

Returning to Item 1B, it was noted the termination date of the collective bargaining agreement between SUNY Adirondack and the Faculty Association was August 31, 2028 and not August 31, 2030 as listed in the agenda documents.

Motion was made by Mr. Driscoll, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Bean and Merlino absent*) to authorize a resolution approving collective bargaining agreement between SUNY Adirondack and the Faculty Association of Adirondack Community College for term commencing September 1, 2025 and terminating August 31, 2028, contingent upon adoption of a similar resolution by the Washington County Board of Supervisors. The necessary resolution was authorized for the May 13th Board Meeting.

The remaining agenda items were reviewed, 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) Requests/Items to be Discussed by the Clerk of the Board:
 - A) Request to amend Resolution No. 18 of 2025, *Appointing Members to the Warren-Washington Counties Industrial Development Agency and Civic Development Corporation*, to replace Nathan Etu with Kevin Mahoney effective May 13, 2025.

Motion was made by Mr. Etu, seconded by Mr. Driscoll and carried by a unanimous vote of those present (*Messrs. Bean and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the May 13th Board Meeting.

- B) Request to amend Resolution No. 371 of 2024, *Approving Standard Work Day and Time Reporting Resolution for All Elected and Appointed Officials for Retirement Purposes*, to include updated reporting information.

Motion was made by Mr. Patchett, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Bean and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the May 13th Board Meeting.

- 4) Request/Item to be Discussed by the Director of Information Technology regarding a request to appropriate \$22,400 from Budget Code A.895.00, *Computer Reserve Fund*, to various department budget codes to cover the cost of purchasing computers and related equipment and software.

Motion was made by Mr. Maday, seconded by Mr. Driscoll and carried by a unanimous vote of those present (*Messrs. Bean and Merlino absent*) to approve the request 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 and Salary Schedule to create the new position of Probation Officer Trainee #3, *Grade 16, Base Annual Salary \$57,270*, effective May 14, 2025.

Motion was made by Mr. Maday and seconded by Mr. Etu 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 (*Messrs. Bean and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the May 13th Board Meeting.

- B) Request to amend the Table of Organization and Salary Schedule to create the new position of Patrol Officer #2-C (*Contingent Position*), *Annual Salary \$56,111*, effective June 1, 2025.

Motion was made by Mr. Maday and seconded by Mr. Driscoll; following discussion Mr. Wild called the question and the motion was carried by a unanimous vote of those present (*Messrs. Bean and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the May 13th Board Meeting.

- 6) Referral from the Economic Growth & Development Committee regarding a request to authorize temporary positions for the Summer Youth Employment Program and authorizing training slots for the Program Year 2025 which begins on July 1, 2025 and ends on June 30, 2026.

Motion was made by Mr. Etu, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Bean and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the May 13th Board Meeting.

- 7) Referral from the Legislative, Rules & Governmental Operations Committee pertaining to a request to amend the Table of Organization and Salary Schedule to create the new position of Motor Vehicle License Registration Clerk - Temp, *Base Annual Salary not to exceed \$10,000*, effective May 14, 2025.

Motion was made by Mr. Maday, seconded by Mr. Patchett and carried by a unanimous vote of those present (*Messrs. Bean and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the May 13th Board Meeting.

- 8) Requests/Items to be Discussed by the County Attorney:
 - A) Request to adopt the Warren County Fiscal Approval Authority Management Policy referred from the Warren County Risk & Safety Committee. A policy is required to establish financial management approval authority for departmental fiscal operations. The proposed policy will enhance purchasing accountability across the County and ensure financial compliance with the New York State General Municipal Law, County's purchasing policy, and generally accepted accounting and auditing principles.

Motion was made by Mr. Maday and seconded by Mr. Etu 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 (*Messrs. Bean and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the May 13th Board Meeting.

Discussion Items:

- B) Reconciliation update which includes a request for a motion to enter into an executive session, per Public Officers Law §108(3) any matter made confidential by federal or state law, to include attorney-client communications, and per Public Officers Law §105(1)(f) matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.
- C) Litigation update which includes a 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:

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. Plaintiff's deposition 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 filed by defendants on 4/4/2025.
- 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 held March 20, 2025-no action taken by Court.

Lawsuits Covered by Insurance:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
 - February 11, 2025: Awaiting Decision & Order.
- 7) James Condon v. Warren County Deputy Sheriffs Ortiz & Duggan, NDNY 1:24-cv-1172, filed September 25, 2024. Discovery started. Mandatory Mediation Pending. Depositions scheduled.
- 8) 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.

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 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.
- 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 February 4, 2025. Joe Kelly. Date of Loss alleged: November 14, 2024. Personal injury from slip and fall on sidewalk in front of 4 Mill Street, Lake Luzerne. Submitted to Travelers insurance and claim file closed based on investigation and determination of no liability.
 - 6) Notice of Claim filed March 12, 2025. June Maxam. Date of Loss alleged: February 12, 2025. Claimant alleges an "unwarranted invasion of her privacy rights and caused serious and irreparable harm including serious emotional distress by publishing on the internet and sharing her personal and private email address with a third party for marketing purposes without her consent and knowledge and mandating that she use the Civic Plus software program in order to file a FOIL request. 50-h exam scheduled for Friday, April 18, 2025 at 10:00 a.m.
 - 7) Notice of Claim filed April 1, 2025. Michael Tyrell, Warren County DPW employee. Date of Loss alleged: various. Claimant alleges claim involving employment practices, to include discrimination and harassment, as well as a hostile work environment. 50-h examination scheduled for May 23, 2025.

Attorney Elmen stated next month he would commence with providing monthly reports to the Committee regarding the loss and liability claims within the County's commercial deductible that were funded from Budget Code A.863.00, *Reserve, Insurance for uninsured losses*.

Attorney Elmen advised an executive session was required for the following purposes: Section 105(1)(d) of the Public Officer's Law to discuss pending, proposed and current litigation; attorney/client communications of the County Attorney's portion of the agenda under Section 108(3) of the Public Officer's Law; and Section 105(1)(f) of the Public Officer's Law to discuss matters involving the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or persons. He stated the following County Attorney Agenda Items would be discussed during the executive session: Lawsuits without coverage Items 1 and 2; and Lawsuits covered by Insurance Items 1, 5 and 6. He requested that Carla Sherman, *County Auditor*, Jackie Figueroa, *Director of Human Resources*, Marilyn Rivers, *Property & Casualty Risk Manager*, and Gregory Canale, *Public Defender*, be permitted to remain in the executive session.

Motion was made by Mr. Etu, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Bean 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, as well as for the individuals mentioned by Attorney Elmen to remain in attendance for the executive session.

Executive session was held from 10:54 a.m. until 12:18 p.m.

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

There being no further business to come before the Personnel, Administration & Higher Education Committee, on motion made by Mr. Etu, seconded by Mr. Patchett and carried by a unanimous vote of those present (*Messrs. Bean and Merlino absent*), Mr. Wild adjourned the meeting at 12:20 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board