

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: MAY 30, 2025

COMMITTEE MEMBERS PRESENT:

SUPERVISORS WILD
DRISCOLL
ETU
MADAY
BEAN
PATCHETT
MERLINO

OTHERS PRESENT:

REPRESENTING SUNY ADIRONDACK:
DR. KRISTINE DUFFY, PRESIDENT
KEITH KAPLAN, VICE PRESIDENT FOR ADMINISTRATIVE SERVICES & TREASURER
ERIC CONDUZIO, BUDGET ANALYST, ADMINISTRATIVE SERVICES
AMANDA ALLEN, CLERK OF THE BOARD
MIKE COLVIN, DIRECTOR, INFORMATION TECHNOLOGY
LARRY ELMEN, COUNTY ATTORNEY
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS CROCITTO
GILLIGAN
STRAINER
STROUGH
TURNER
CHRISTINE NORTON, COUNTY TREASURER
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the meeting of the May 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=F0ZEB7S52w>

Part 2 - <https://www.youtube.com/watch?v=eBmbXQC99Ss>

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. Bean and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was offered for public comment, but there was no one present wishing to speak.

Commencing the Agenda review with Action Agenda Item 1, pertaining to an update from SUNY Adirondack representatives, privilege of the floor was extended to Dr. Kristine Duffy, *President, SUNY Adirondack*, who proceeded with a powerpoint presentation provided regarding the status of the college; a copy of the powerpoint presentation is on file with the meeting minutes.

Next, Keith Kaplan, *Vice President for Administrative Services & Treasurer*, outlined the 2025-2026 proposed SUNY Adirondack Budget and answered questions posed by the Committee members; a copy of the 2025-2026 proposed SUNY Adirondack Budget is on file with the meeting minutes. Following discussion, motion was made by Mr. Bean, seconded by Mr. Maday and carried unanimously to provide Personnel, Administration & Higher Education approval on the proposed 2025-2026 SUNY Adirondack Operating Budget and refer same to the June 6th meeting of the Finance & Budget Committee.

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) Request/Item to be Discussed by the Clerk of the Board pertaining to a request to authorize Amanda Allen, *Clerk of the Board*, to serve as an Officer on the New York State Association of Clerks of County Legislative Boards (*NYSACCLB*).

Motion was made by Mr. Merlino, seconded by Mr. Driscoll and carried unanimously to approve the request as presented and the necessary resolution was authorized for the June 20th Board Meeting.

- 4) Request/Item to be Discussed by the Director of Information Technology regarding a request to appropriate \$14,000 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. Merlino, seconded by Mr. Maday and carried unanimously to approve the request as presented and refer same to the Finance & Budget Committee.

- 5) Request/Item to be Discussed by the County Administrator pertaining to a request to authorize a Memorandum of Agreement between Warren County and the Teamsters Local 294 Union for collective bargaining unit employees within the Sheriff's Office for a term commencing retroactive to January 1, 2025 and terminating December 31, 2028.

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 June 20th Board Meeting.

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

Action Agenda/New Business Items:

- A) Request to adopt the Warren County Employee Timekeeping Approval Management Policy referred from the Warren County Risk & Safety Committee. The policy establishes protocols to ensure compliance with the accurate capture of legal requirements for employee timekeeping. The proposed policy will enhance employee timekeeping accountability across the County and ensure compliance with federal and New York State labor law requirements, as well as satisfy generally accepted accounting and auditing principles.

Larry Elmen, *County Attorney*, advised a correction was needed under Item B of the policy regarding "Authority to Approve" to delete the words "in a management role" from the draft policy.

Motion was made by Mr. Bean and seconded by Mr. Merlino to approve the request as outlined above, to include the revision noted by Attorney Elmen; following discussion Mr. Wild called the question and the motion was carried unanimously to approve the request as outlined above with the change requested by the County Attorney and the necessary resolution was authorized for the June 20th Board Meeting.

- B) Request to adopt the Warren County Unmanned Aircraft System (*UAS*) Use Policy referred from the Warren County Risk & Safety Committee. The proposed policy will assist all departments pursuing UAS services as part of a contractual relationship to follow governmental regulations and provide contractual liability risk transfer from the County to the vendor.

Motion was made by Mr. Bean and seconded by Mr. Etu to approve the request as presented; following discussion, Mr. Wild called the question and the motion was carried unanimously to approve the request as presented and the necessary resolution was authorized for the June 20th Board Meeting.

Discussion Items:

- C) Report of Insurance Reserve Payments as of April 30, 2025: See attached report. The County Attorney provided a brief summary of the report and answered questions posed by the Committee members.
- D) Litigation update which includes a request for 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. Plaintiff filed opposition papers on May 15, 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; Court-ordered Mediation Sessions: May 28, 2025 & June 10, 2025; Summary judgment motions filed 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. Matter settled by Bast Hatfield Construction, LLC.
- 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. Court Ordered Mediation Sessions: July 30, 2025. Depositions of named County employees completed. Plaintiff's deposition pending.
- 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. County Motion to Dismiss filed April 30, 2025.

Notice of Claims & Administrative Complaints:

- 1) 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.
- 2) 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.
- 3) 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. Claimant failed to appear. 50-h examination rescheduled for April 29, 2025 at Chester Town Hall. Claimant failed to appear again. Matter administratively closed.
- 4) 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 adjourned and pending new date.

Attorney Elmen provided updates on certain items listed under his Discussion Items section which did not require an executive session and

included the following: Lawsuits without insurance coverage Item No. 3; Lawsuits covered by Insurance Item Nos. 3 and 5.

Attorney Elmen noted at the request of Committee Chair Wild, an executive session was required pursuant to Section 105(1)(f) of the Public Officer's Law for the purpose of discussing matters involving the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or persons.

Motion was made by Mr. Bean, seconded by Mr. Maday and carried unanimously to enter into an executive session pursuant to Section 105(1)(f) of the Public Officer's Law for the purposes outlined above.

Executive session was held from 11:00 a.m. until 11:02 a.m.

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

Privilege of the floor was offered for public comment:

Mr. Etu questioned whether the County was liable to pay the \$50,000 insurance deductible regarding County Attorney Agenda Item No. 5 concerning Lawsuits covered by Insurance and Attorney Elmen replied in the negative.

There being no further business to come before the Personnel, Administration & Higher Education Committee, on motion made by Mr. Maday, seconded by Mr. Merlino and carried unanimously, Mr. Wild adjourned the meeting at 11:03 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board