

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL, ADMINISTRATION & HIGHER EDUCATION

DATE: JUNE 27, 2025

COMMITTEE MEMBERS PRESENT:

SUPERVISORS DRISCOLL
ETU
MADAY
BEAN
PATCHETT

OTHERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

SUPERVISORS WILD
MERLINO

SUPERVISORS CROCITTO
GERACI
GILLIGAN
STRAINER
TURNER
MIKE COLVIN, DIRECTOR, INFORMATION TECHNOLOGY
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR
CHRISTINE NORTON, COUNTY TREASURER
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

Please note, the following contains a summarization of the meeting of the June 27, 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=rLjRVO2r4SY>
Part 2 - <https://www.youtube.com/watch?v=eBmbXQC99Ss>

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 10:00 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 and Merlino absent*) 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, Mr. Driscoll noted no one was present from SUNY Adirondack to speak.

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 transfer funds in the amount of \$45,000 from Budget Code A.1990 469, *Contingent Account - Other Payments/Contributions*, to Budget Code A.5630 470, *Mass Transportation, Contract*, to cover the cost of funding CDTA 18B payments which were not budgeted for.

Motion was made by Mr. Bean and seconded by Mr. Maday to approve the request as presented; following discussion, Mr. Driscoll called the question and the motion was carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*) to approve the request as presented and refer same to the Finance & Budget Committee.

- 4) Referral from the Criminal Justice, Public Safety & Emergency Services Committee pertaining to a request to amend the Table of Organization and Salary Schedule to increase the annual salary of the 3rd Assistant Public Defender from \$84,865 to \$117,024 effective July 21, 2025.

Motion was made by Mr. Bean, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the July 18th Board Meeting.

- 5) Referral from the Legislative, Rules & Governmental Operations Committee regarding a request to amend the Table of Organization and Salary Schedule to fund the position of Senior Legal Recording Clerk, *Grade 12, Base Annual Salary \$51,890*, and unfund the position of Legal Recording Clerk, *Base Annual Salary \$47,800*, effective July 21, 2025.

Motion was made by Mr. Bean, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the July 18th Board Meeting.

- 6) Referral from the Public Works Committee concerning a request to amend the Table of Organization and Salary Schedule to create the new position of Motor Equipment Operator - Medium, *Grade 12, Base Annual Salary \$51,890*, and delete the position of Auto Mechanic, *Grade 14, Base Annual Salary \$72,740*, effective July 21, 2025.

Motion was made by Mr. Maday, seconded by Mr. Etu and carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the July 18th Board Meeting.

- 7) Request/Item to be Discussed by the County Administrator on behalf of the County Treasurer regarding a request to authorize the Chair of the Personnel, Administration & Higher Education Committee and the County Administrator to negotiate and award vacation leave allowances for the incoming Deputy County Treasurer.

Motion was made by Mr. Bean, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the July 18th Board Meeting.

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

Action Agenda/New Business Items:

- A) Request for resolution request to approve and adopt Warren County Intern and Volunteer Policy referred by the Warren County Risk & Safety Committee. The policy combined two separate policies which governed volunteers and interns to create a concise policy that includes a "Participant Agreement, Indemnification and Risk Acknowledgment" which will be required from all interns and volunteers.

Larry Elmen, *County Attorney*, advised a correction was required on Page 3, Section C entitled "*Work Experience Program Participants*" to delete the "The maximum number of hours a recipient or applicant may be required to engage in this activity is limited to the number which equals the amount of assistance payable with respect to the public assistance household of such individual (inclusive of the value of food stamps received by the public assistance household of such individual, if any) divided by the higher if (i) the Federal minimum wage, or (ii) the State minimum wage. The limitation of the number of number of hours of work experience to which a participant may be assigned is a calculation of allowable hours in a work activity and does not mean that such a participant is receiving a wage for the performance of such activities. The participant is not working off the grant but is engaged in work activities as an element of his/her plan to become self-sufficient."

Motion was made by Mr. Patchett, seconded by Mr. Bean and carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*) to approve the request as presented, with the changes outlined by the County Attorney, and the necessary resolution was authorized for the July 18th Board Meeting.

Prior to continuing on with the agenda review, Attorney Elmen recognized the members of the Risk & Safety Committee for their efforts on this Committee which he believed was above and beyond their normal job duties.

- B) Request for resolution approving an agreement with Bartlett Pontiff Stewart Rhodes, P.C., to serve as Labor Legal Counsel for the County of Warren for the monthly fixed retainer fee of Four Thousand Three Hundred and 00/100 Dollars (\$4,300) (\$51,600/year) for the initial one year term beginning January 1, 2026 and ending December 31, 2026, and authorizing up to two (2) additional one year terms upon mutual agreement of the parties for the 2027 monthly fixed retainer fee of Four Thousand Four Hundred Fifty and 00/100 Dollars (\$4,450) and the 2028 monthly fixed retainer fee of Four Thousand Six Hundred and 00/100 Dollars (\$4,600), as more fully described by the attached, proposed letter of engagement. The monthly fixed retainer fee for the past twelve (12) years was \$3,750. The current three-year authorization and agreement expire December 31, 2025. If approved, the legal fees would be part of the proposed 2026 departmental budget.

Motion was made by Mr. Etu and seconded by Mr. Maday to approve the request as outlined above; following discussion, Mr. Driscoll called the question and the motion was carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the July 18th Board Meeting.

- C) Request to amend resolution 375 of 2024, retroactive to January 1, 2025, to increase the not to exceed the amount from \$13,300 to \$27,000 per year to account for postage costs which are reimbursable under the amended tax foreclosure laws and to provide

sufficient funding for the increased number of parcels in the 2025 tax foreclosure auction due to initiating the lawsuit in January 2025. The full amount of postage charges, which are a pass-through expense from NYSID to the County, as well as an additional charge for the County against the tax delinquent parcels, were not included in the departments 2025 budget. For 2025, approximately \$10,245.12 in postage fees were attached to tax delinquent parcels which remained in tax foreclosure as of June 2, 2025.

Motion was made by Mr. Patchett, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the July 18th Board Meeting.

- D) Request for resolution providing additional funding in the amount of \$11,734.47 to pay postage charges incurred by NYSID for the 2025 tax foreclosure mailings.

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

- E) Request for a resolution authorizing the County Attorney to determine whether to file an amicus curie brief concerning the so-called "Even Year Election Law" with the New York State Court of Appeals in the matter of Onondaga County, et al versus the State of New York et al, #APL-2025-00088, to support specific legal claims presented by Onondaga County and other county-plaintiffs, in opposition to the 2023 amendment of County Law § 400 which added a new section 8 mandating even-year elections for all Warren County supervisors, including supervisors elected from the City of Glens Falls supervisors, as a violation of NYS Constitution, Article XIII, section 8 (requiring the election of supervisors in a city to occur in odd-numbered years, and in support of the powers delegated to the counties by the NYS Constitution, Article IX, as codified by the Municipal Home Rule Statutes. During 2024, eight (8) counties initiated eight (8) separate lawsuits, along with municipal towns, against the State of New York and others, challenging the constitutionality of the Even Year Election Law. All eight (8) lawsuits were joined before the Court of Appeals for briefing, oral argument and a decision. The Court of Appeals authorized interested parties to file amicus curie briefs on or before August 5, 2025, prior to oral arguments occurring in September 2025. Warren County is one of seven (7) counties outside of the City of New York which maintains a governing Board of Supervisors and contains an incorporate city within its boundaries. The remaining six (6) counties are: Chenango, Columbia, Fulton, Madison, Ontario and Saratoga. If filed by the County Attorney, the amicus brief would identify this issue of first impression for the Court of Appeals so that the Court might address the issues raised by non-charter counties, similar to Warren County, as part of any final decision and order.

Motion was made by Mr. Maday and seconded by Mr. Bean to approve the request as presented; following discussion, Mr. Driscoll called the question and the motion was carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*) to approve the request as presented and the necessary resolution was authorized for the July 18th Board Meeting.

Discussion Items:

- F) Report of Insurance Reserve Payments as of May 30, 2025: No Report.
- G) Harassment & Discrimination Complaint: Request for a motion to enter into an executive session, per Public Officers Law § 108(3), concerning any matter made confidential by federal or state law, to include attorney-client communications, and per Public Officers Law § 105(1)(f), regarding matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.
- H) 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*, NDNY1:24-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 (Cancelled)~~; 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) *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.
 - June 9, 2025: Motion to dismiss denied. Discovery to follow.
- 6) *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.
- 7) *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 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. **General Release and letter of resignation tendered June 18, 2025.**

Attorney Elmen advised there had been no updates since last month on Item 5 concerning the Report of Insurance Reserve Payments as of May 30, 2025.

Attorney Elmen noted an executive session was required to discuss the following: Agenda Item H regarding Harassment & Discrimination Complaint per Public Officers Law §108(3), concerning any matter made confidential by federal or state law, to include attorney-client communications, and per Public Officers Law §105(1)(f), regarding matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person; and for a litigation update which fell under Public Officers Law § 105(1)(d) to engage in discussions of proposed, pending and current litigation, as well as Public Officers Law § 108(3), concerning any matter made confidential by federal or state law, to include attorney-client communications. He requested that the Director of Human Resources be permitted to participate in the executive session.

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

to enter into an executive session pursuant to Sections 108(3), 105(1)(d) and 105(1)(f) of the Public Officer's Law for the purposes outlined above, as well as for Jackie Figueroa, *Director, Human Resources*, to attend the executive session.

Executive session was held from 10:42 a.m. until 11:04 a.m.

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

Privilege of the floor was offered for public comment, 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. Bean, seconded by Mr. Maday and carried by a unanimous vote of those present (*Messrs. Wild and Merlino absent*), Mr. Driscoll adjourned the meeting at 11:05 a.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board