

COUNTY ATTORNEY ANNUAL REPORT FOR 2014

This summary of legal services rendered last year to various branches of the County government is once again general in nature principally for reasons of confidentiality.

The following general legal services have been rendered to all departments:

1. Representation in litigation either as plaintiff or defendant (The Annual Audit Report updated to March 31, 2015 is Attorney/Client privileged and will be provided to the Legislature under separate cover);

2. Analysis and response to all FOIL requests and appeals (131 in 2013);

3. Legal research and legal advice;

4. Supervision and cooperation with insurance company assigned counsel;

5. Contracts: preparation, review, negotiation and attention to appropriate insurance coverages;

6. Legal proceedings to enforce all local laws;

7. Participant representing Greene County at County Attorneys' Association of the State of New York (CAASNY) as Past President;

8. Attention to bankruptcy matters for County;

9. Review of all Legislative Youth Fund Grant Applications;

10. President of Greene Tobacco Asset Securitization Corporation and attention to all PAAA compliance issues;

11. Review and processing of all incident/accident reports (61 in 2014).

- To Batavia Kill Watershed District, service for 14th consecutive year as Chairman of the Board; DEC upgrade of Wastewater Treatment facility at CD Lane Park, Windham; attention to implementation of Emergency Action Plans for 3 high-risk dams; attention to inspection of dams and repairs; participation in Greene County Multi-Jurisdictional All-Hazards Mitigation planning effort; attention to collection of outstanding FEMA payments re: damage from Hurricane Irene; 2013 reconciliation of startup and 2013 operations and maintenance and 2014 payments; etc.

- To Buildings and Grounds, including employee problems, attention to resolution of numerous damage claims; review of Window Washing Contract with NSID; attention to attempted disposition of parking lot on Bridge Street; attention to disposition of Jefferson

Heights sewer line; attention to collection of overdue accounts; attention to eminent domain in Lexington for road repair issues; attention to review and approval of construction contracts; review of contract with SolarCity; etc.

- To Civil Service, (see overview above) legal research; attention to claims of employees to file suit against County; etc.
- To County Clerk, including consultation on issues regarding legality of documents to be filed or answered, fees to be paid; legal research and memorandum re: multiplicity of issues; etc.
- To District Attorney, including prosecution at Town Court level of misdemeanor violations of County local laws, preparation of civil judgments for fines; etc.
- To Economic Development, Tourism & Planning, including attendance at Quantum Fund closings (2 in 2014); loan modifications, mortgages, delinquencies; pre-school handicapped transportation contract; attention to certain IDA issues; following up legal action for collections; preparation and revision of documents used for Quantum and Microenterprise Loan closings; preparation of mortgage satisfactions as requested; attention to delinquency, including foreclosure and repossession of assets; preparation of extension letter to close Quantum Fund Loan; attention to Bass Tournament matters, copyright issues, and attention to County festival contracts; attention to various insurance issues; attention to questions re: usage of POINT facilities; attention to Friar Tuck bankruptcy/Caridi Estate; attention to Champlain Hudson Power Express Siting settlement; Scribner Hollow Corp. loan restructure and enforcement of agreement; ex officio member of Economic Development Committee; approval of contracts and facilitate closings for Flood Buyout Program; attendance at Economic Development Loan and Quantum Fund Committee meetings; assisting in the revamping of the Economic Development Loan applications; etc.
- To Board of Elections, legal advice; approval of contracts; attention to request to use voting machines by localities; legal representation regarding election law issues; etc.
 - To Board of Electrical Examiners, including attendance at meetings; interpretation and amendment of code; response to letters and complaints re: code provisions; assistance with enforcement of permit laws; miscellaneous legal advice; etc.
 - To Emergency Management, review of Policy & Procedures for Emergency Dispatch Center; attention to renewal of radio antenna site leases; attention to review of bids for

communications study; attention and negotiation of Paramedic Service Agreement; attention to and preparation of necessary documentation re: Windham Mountain communication tower; etc.

- To Board of Ethics, including legal advice; administrative assistance; etc.
- On Family Court Matters, including weekly appearance of Assistant County Attorney on PINS proceedings, juvenile delinquent applications and hearings when necessary and interstate support agreements; etc.

- To Family Planning, general legal services; attention to contract review and amendments; etc.

- To Highway Department, negotiations of various contract disputes; multiple meetings; attention to General Municipal Law application to bidding contracts; negotiation or settlement for claims of damage to private vehicles or other property; employee discipline problems; attention to various claims for property damage by Greene County vehicles; attention to temporary and permanent easements for highway work on many sites; assistance with land acquisitions for bridge and highway improvements; communications with New York State Department of Environmental Protection; acquisition by eminent domain of County Route 6 parcel; attention to Eminent Domain Proceedings in Lexington; attention to litigation and settlement of lawsuit by Merritt Construction, Inc. v. Greene County; etc.

- To Human Resources, attention to various complaints by or against Human Resources; attendance at and participation in continuing training regarding Progressive Employee Discipline; Sexual Harassment and Hostile Workplace Investigations; legal advice regarding various employee complaints; attention to review and investigation into all complaints re: violations of County policies; interpretation of resolution re: Retiree Health Benefits; HIPAA Refresher Training; Workplace Violence training; resolve issues re: employment rights for Greene County employees in retirement; update memo re: workers' compensation for orientation of new employees; attention to health insurance coverage for siblings of employee policy; attention to all ADA requests for accommodations; review of all unemployment compensation claims; etc.

- To Human Services, general legal services; attention to and negotiation of license for senior citizen centers in various municipalities; attention to issues regarding liability for senior citizen centers; etc.

- On Insurance Matters, including claims submissions, attention securing

appropriate legal representation for County on all claims lawsuits; attention to supervision of assigned attorneys; quarterly meetings to review claims; attendance at Examinations Before Trial, 50-H hearings; review of all insurance coverage; attention to implementation of risk reduction program; telephonic conferences with Marshall & Sterling; etc. See Litigation Report attached hereto.

- To The Legislature, including attendance at monthly committee and Legislative meetings; assistance in filing certificates of appointment of officers, undertakings by County officers; ethics opinions; review of all contracts signed by County; review of all resolutions passed by Legislature; review General Municipal Law regarding public bidding procedures; attention to review of certain State legislation for support by Legislature; attention to lease renewals; legal research and advice re: all insurance; legal research re: workers compensation law; investigations into allegations of misconduct by certain employees; consultation with labor counsel; amendment of conditions and terms for solid waste removal contracts; facilitate educational training by County's insurance carriers for risk management; update of HIPAA manual and re-training of all covered departments; court appearances regarding prosecution of various other offenses as they effect Greene County; investigations of several employee complaints re: harassment and report to County Administrator; attention to TASC issues including PAAA compliance; attention to review and negotiation of copier and other office equipment leases; negotiation of fine amounts with DEC; attention to taxpayers complaints; research re: volunteer insurance; handling of all claims against the County including correspondence with insurance companies and the investigation and settlement of minor claims; continuation of legal action in Federal District Court to recoup overcharges to Greene County for Medicaid Pharmacy costs; legal representation and negotiations with New York State Attorney General; attention to transfer of County property to Town of Coxsackie for municipal uses; attention to Notices of Claim for personal injuries; preparation of 2014 Cost Allocation Summary for auditors; preparation of annual litigation audit; preparation of annual contracts for Greene County with:

1. Community Action of Greene County
2. Council on the Arts
3. Historical Society
4. County Libraries Association

5. Ulster-Greene NYSARC
6. Community Services Board and Twin County Recovery Services
7. Soil & Water Conservation
8. Federation of Sportsmen Clubs
9. Agricultural Society;

Supervision and assistance to all insurance-appointed attorneys defending and representing Greene County; small claims management, including preparations of release and facilitating payment of claims below deductible level of insurance policies; attention to Workplace Violence Prevention Program as mandated by New York State Labor Law; review of all Youth Fund Grants; resolution and follow-up on extension of County fuel prices to local municipalities; service as President of Tobacco Asset Securitization Corp., including scheduling and attendance at annual meeting, electronic filing of required financial reports pursuant to PAAA; attention to workplace violence complaints; attention to legal research; response to several letters re: retiree or employee health insurance benefits; preparation of 2013/2014 Litigation Report/Annual Audit; written opinions as to the status of independent contracts and compliance with IRS regulations; attention to numerous complaints and claims from inmates; attention to contesting, where applicable, of unemployment benefits for employees; attention to action on performance bond for contractors; membership on Administrative Manual Review Committee; legal research re: various matters; revision of Social Networking Policy; attention to revision of OMIG Corporate Compliance Policy; workplace violence prevention training; preparation of Requests for Quotes for Consultants; attention to extension of local sales tax; attention to independent contracts status for certain individuals; drafting CGSSRT municipal agreement and resolution; attention to drafting lease with Nature Conservancy and closing title of conveyance from Nature Conservancy to Soil and Water Conservation District; preparation of intermunicipal agreements with towns, villages and adjoining counties; review of Window Washing Contract with NSID; Tepper Phase II Environment Assessment, action closed by property sale; opposition to Safe Act; attention to closing the Windham Cell Tower site; attention to location of casinos; etc.

- To Mental Health, attention to revision of consent forms for patients to be HIPAA compliant as well as attention to various issues regarding Court orders and subpoenas and release of records; attention to debt collection for unpaid fees; legal representation with regard to Assisted Outpatient Treatment (AOT) proceedings (17 in 2014), petitions and hearings;

attention to legal issues regarding production of documents and reports, subpoenas and FOIL requests in light of HIPAA regulations; petitions and hearings; legal research and memo regarding release of psychotherapy notes under HIPAA; preparation of contracts for independent contractors; review of requests for documents re: HIPAA compliant; response to Mental Health records requests (153 in 2014); etc.

- To NYS Department of Motor Vehicles, general legal services, etc.
- To Public Defender's Office, general legal services; defense re: Public Defender; etc.
- To Public Health Department, including production of subpoenaed records, review of plurality of contracts, advice regarding future projects and employee disciplinary action; preparation of various forms to comply with HIPAA; HIPAA training; attention to obtaining proper insurance documentation for various providers; response to letters re: lead poisoning and dog bites; legal research and response to questions re: sale of CHAA Volunteers liability; legal research re: liability of volunteers; RFP for Veterinary Services; attention to procedures and forms for EBOLA quarantine; etc.

- To Sheriff's Department, including assistance with prosecution of local law violations, advice re: other civil matters, review of inmates claims; review of contracts; legal research; coordination of depositions in pending legal actions; attention to property executions and other civil matters; attention to training liability issues of canine and dive teams; handling of vehicle insurance claims; drafting CGSSRT municipal agreement and resolution; brought County Court action to vacate satisfaction of income execution; etc.

- To Department of Social Services, including foster care legal questions and related claims against the Department of Social Services; contract review; employee issues including threats; conflict of interest questions; issues re: collection of DSS liens in and out of state; check independent facilities insurance for physical abuse or sexual misconduct; etc.

- To Solid Waste Management, including letters to overdue debtors, contract review and negotiations; attention to small claims; attention to refuse removal agreements with various contracts; attention to the revision and review of Hazardous Waste Bid specifications; collection of delinquency accounts; preparation of contracts with carting services; interpretation of 2014 NEWS Contract; etc.

- To The Treasurer's Office, including foreclosure of tax liens, bond counsel work with Bond, Schoeneck & King, law changes on tax foreclosure, representation on Sleepy Hollow

matters; attention to bankruptcy issues in connection with pending in rem proceedings, etc.; legal research re: in rem proceedings; legal research and opinion letter re: withholding of fees by County Treasurer; legal research re: cancellation of taxes; assistance with Summary Judgment motions in connection with in rem proceedings; legal research re: duties of estate management as Public Administrator; legal research re: reinstatement of mortgage lien after redemption; revision of draft of local law re: installment payment of taxes; etc.

- To Veteran's Service Agency,; attention to lease renegotiation and renewal; etc.
- To Weights and Measures, including attention to collection of delinquent fines; etc.
- To Cooperative Extension, general legal services; etc.