

## COUNTY ATTORNEY ANNUAL REPORT FOR 2016

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.

As General Counsel for the County, I have general supervision of the County's legal affairs. In such capacity, I have made it my department's mission to interface with all County departments review and assist procedurally to assure compliance with State and Federal mandates; in a continuing effort to reduce claims against the County of Greene. These efforts include without limitation a total revamping of FOIL review, close participation with the Greene County Treasurer's Department, Economic Development, Tourism and Planning, Highway, Public Health, Department of Social Services, County Clerk, Mental Health and Sheriff Department, inclusive of Corrections. On a daily basis I review contracts from all departments for form, however always with an eye towards content. We have instituted a new policy throughout the county to insure that the insurance promised to be provided by our contractors is enforceable in a Court of law.

The County Attorney's office works with all departments to structure all contracts and activities to be lawful and as free of liability as practical.

As General Counsel for the County, I often field questions and draft opinion letters for department heads lending direction at legal crossroads.

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, 2017 is Attorney/Client privileged and will be provided to the Legislature under separate cover);
2. Analysis and response to all FOIL requests, subpoenas, related motions and appeals (136 in 2016);
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. Participation at annual meetings of the New York State Association of Counties (NYSAC) and County Attorneys' Association of the State of New York (CAASNY);

7. Attention to bankruptcy matters for County;
8. President of Greene Tobacco Asset Securitization Corporation (TASC) which includes preparation of documents, compliance oversight relative to Public Authorities Accountability Act (PAAA) issues and attend annual meeting;
9. Research and advise all departments re: NYS OS2 document retention;
10. Review and processing of all incident/accident reports (61 in 2016);
11. Interface with New York State Department of State Code Enforcement Division for compliance purposes;
12. Train all County personnel as to Federally mandated annual Workplace Violence Prevention Program;
13. Provide new hires with Health Insurance Portability and Accountability Act (HIPAA) training as required;
14. Preparation of County-wide CFR Title VI Civil Rights Plan, LEP Plan, Grievance Form, Compliance Procedures, etc. in response to New York State Department of Transportation Federal Aid Sub-Recipient Audit;
15. Chair Workplace Violence Prevention Program Hazard Mitigation Team meeting;
  - To Batavia Kill Watershed District, reconciliation of operations and maintenance funds for the 2015-2016 period; reconciled New York State Department of Environmental Protection billing of Batavia Kill Watershed District, inclusive of allocation of credit balance; etc.
  - To Buildings and Grounds, working with Superintendent of Buildings and Grounds toward compliance with NYS Code Enforcement Division; attention to numerous damage claims; intervened and assisted with Greene County Courthouse boiler & pump issues; grieved Cairo water bills, decided in favor of County by \$8,000.00 annual reduction; closed title to Water Street property in Catskill; etc.
  - To Civil Service, assisted in drafting of new job description(s) and legal advice; etc.
  - To County Clerk, including accepting FOIL requests; assist in legal research and interpretation; review various documents as requested; consultation on issues regarding legality of documents to be filed or answered, fees to be paid; filed and served Notices of Appearances; file and serve Notice of Entry; file and serve pleadings and motions; legal research and memoranda re: multiplicity of issues; review litigation and court documents and advise as to

indices adjustment; etc.

- To District Attorney, consistent collaboration on criminal matters which overlap civil claims against Greene County; attention and assistance with FOIL requests; terminated “bogus” UCC liens against several NYS Corrections Officers employed at the Coxsackie facility; attention to Governor’s Warrant of Extradition; assisted Special Prosecutor in preparation of Grand Jury indictment proceedings; negotiated Westlaw out-of-plan fee from \$2,013.00 to \$79.00; etc.

- To Economic Development, Tourism & Planning, including review and approval of all contracts, including insurance requirement compliance; attendance at Quantum Fund meetings; close Quantum and Microenterprise fund loans and/or grants resulting in \$3,900.00 in closing fees; drafting of loan modifications, mortgages, mortgage satisfactions, collections actions; preparation and revision of documents for Quantum and Microenterprise Loans; attention to all arrears and delinquencies; attention to Bass Tournament matters; attention to County festival contracts; attention to various insurance issues; attention to Quantum Fund recipient bankruptcy and estate of recipient; ex officio member of Economic Development Committee; attendance at Economic Development Loan and Quantum Fund Committee meetings; review and approve subordination agreement; SEQRA review tower sites; analyze SolarCity contracts; advised department head as to selection of lowest responsible bid related to tourism travel guide printing contracts; negotiating all emergency communications tower land acquisitions; consultation with Warren Hart re: all County projects; released all 2010 microenterprise grant securitization agreements and liens; instituted new policy of filing and mailing mortgage satisfaction or lien releases rather than reliance on borrower’s actions; etc.

- To Board of Elections, legal advice; approval of contracts; assist in compilation and production of FOIL materials; etc.

- To Emergency Services, research and negotiation of license agreements; review RFP; negotiate and close land acquisitions for emergency communications towers; review and negotiate emergency communications tower leases between County of Greene and FBI, New York State Police and New York Department of Transportation; review of all contracts; purchased approximately 19 acres in Coxsackie for emergency communications tower use; entered into contract to sell 18 of the newly-acquired acres resulting in net expenditure of \$10,000.00; in contract to purchase New Baltimore property for emergency communications

tower use; etc.

- On Family Court Matters, including weekly appearance of Assistant County Attorney on Persons in Need of Supervision (PINS) proceedings, Juvenile Delinquency (JD) petitions and hearings; interface, as needed, with Family Court Chief Clerk and Probation Department; etc.
- To Family Planning, general legal services; attention to contract review and opinions; negotiate transportation contracts; review internship contracts; reviewed claim and advised; etc.
- To Highway Department, review contracts; record satisfaction(s) of sub-contractor's lien; advise as to lowest responsible bid acceptance or rejection; attention to General Municipal Law application to bidding contracts; settlement of claims to private property; attention to various claims for property damage by Greene County vehicles; challenged and negotiated \$7,800.00 PESH fine resulting in settlement of \$400.00; etc.
- To Human Resources, attention to all harassment complaints; legal advice regarding various employee complaints; Workplace Violence Prevention Program training of all Greene County employees; provide Health Insurance Portability and Accountability Act (HIPAA) training; responded to all Americans with Disabilities Act (ADA) requests for accommodations; Americans with Disabilities Act research; review and defense of unemployment compensation claims; etc.
- To Human Services, general legal services; contract review; review lease agreements for senior centers; review of insurance certificates; etc.
- On Insurance Matters, including researching every claim submission, attention to securing appropriate legal representation for County and assisting outside counsel on all claims and lawsuits; legal research; attention to supervision of assigned attorneys including supplying evidence as available; continuing review of all insurance coverage; negotiations regarding coverage of claim; telephonic conferences with Marshall & Sterling, Trident and XL Catlin regarding defense and indemnification of current litigation; worked with Administration relative to Requests for Proposals (RFP) seeking competitive bid for insurance brokerage, etc. See Litigation Report attached hereto.
- To The Legislature, including attendance at monthly committee and Legislative meetings; attendance at miscellaneous committee meetings when requested; legal research including, without limitation, public referendum mandatory, permissive and/or advisory; ethics opinions; opinions of the Attorney General; Robert's Rules of Order and Open Meetings Law,

telephonic appearances at meetings, review of all contracts signed by County; review of all resolutions passed by Legislature; draft resolutions; continuing review General Municipal Law, Public Officer's Law, Real Property Tax Law, Local Finance Law and Municipal Home Rule as required and/or on an ongoing basis; review of proposed State Legislation affecting County; attention to New York State Attorney General guidance; contract negotiations; Human Resource issues; attention to lease renewals; legal research and advice re: employment matters, employment litigation, departmental policies and procedures; document retention; code enforcement and compliance; Greene County v. New York State procedural matters; attention to Americans with Disabilities Act (ADA) requests for accommodations; investigations re: discrimination and/or misconduct complaints; consultation with labor counsel; attention to Greene Tobacco Asset Securitization Corporation (TASC) issues including Public Authorities Accountability Act (PAAA) compliance; continuing monitoring compliance with NYS Department of Labor Public Employee Safety and Health (PESH); legal research relative to all claims against the County and assessment of risk, including correspondence with insurance companies and the investigation and settlement of minor claims; attention to taxpayers complaints; attention to reverter as relates to the transfer of County property to Town of Coxsackie for municipal uses; attention to Notices of Claim for personal injuries; preparation of 2016 Cost Allocation Summary for Venesky & Company, auditors; preparation of annual litigation audit; preparation of annual contracts for Greene County with:

1. Community Action of Greene County, Inc.
2. Greene County Council on the Arts
3. Greene County Historical Society
4. Greene County Libraries Association
5. The Arc of Ulster-Greene Counties
6. Greene County Community Services Board and Twin County Recovery Services, Inc.
7. Greene County Soil & Water Conservation
8. Greene County Federation of Sportsmen Clubs
9. Greene County 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; trained all County employees and volunteers relative to Greene County's Workplace Violence Prevention Program as mandated by New York State Department of Labor; provided Health Insurance Portability and Accountability Act (HIPAA) training to all necessary Greene County personnel; presented at Greene County Sheriff's annual general in-service training re: service animals; review and update policy statement and program; review of Greene Tobacco Asset Securitization Corporation (TASC) bond performance, including scheduling and attendance at annual meeting, electronic filing of required financial reports pursuant to Public Authorities Accountability Act (PAAA); chaired Greene County Workplace Violence Hazard Reduction Team meeting(s); provide legal research to all Legislators, Administration and County departments as requested; assist to Special Prosecutors; response to general correspondence as required; preparation of 2016/2017 Litigation Report/Annual Audit; attention to numerous complaints and claims from detainees and inmates; review unemployment benefit applications and oppose where appropriate; review of contractor's performance and surety bonds; ongoing legal research re: FOIL exceptions, service animals, Americans with Disabilities Act, New York State Civil Rights Law, United States Title VI Civil Rights Law, Tax Foreclosure Proceedings, Real Property Tax Law, Civil Service job descriptions; review Requests for Proposals, Requests for Bids and Requests for Quotes for various departments; review all SEQRA submissions for Jail, communications tower sites and Cairo solar array; review Phase I Environmental Assessment for property acquisitions and assist and determination of whether Phase II is advisable; interface with County Administrator relative to all aspects of proposed or current County projects; continuing attention negotiations, attendance at meetings re: Sleepy Hollow Lake County-owned properties; negotiated and generated New Baltimore and Coxsackie communications contracts; research and provide legal opinions to Legislature and County Administrator as necessary or as requested; negotiation with Hunter Foundation re dilapidated properties; etc.

- To Mental Health, attention to revision of consent forms for patients to be Health Insurance Portability and Accountability Act (HIPAA) compliant as well as attention to various issues regarding Court orders and subpoenas and release of records; legal representation of Margaret Graham, Director of Community Services, with regard to Assisted Outpatient Treatment (AOT) proceedings (7 in 2016), preparation of Assisted Outpatient Treatment (AOT) documents; Assisted Outpatient Treatment (AOT) court filings; attention to legal issues

regarding production of documents and reports, subpoenas and FOIL requests in accordance with Health Insurance Portability and Accountability Act (HIPAA) regulations; petitions and hearings; legal research and memoranda regarding release of all patient file materials under Health Insurance Portability and Accountability Act (HIPAA); preparation of contracts for independent contractors; response to Mental Health records requests (159 in 2016); appearances, review and advice on subpoenas; attend meetings and provide legal guidance as to independent practitioner agreements; review independent practitioner documentation, proposals and literature; provide Health Insurance Portability and Accountability Act (HIPAA) training to new employees; etc.

- To NYS Department of Motor Vehicles, general legal services, if requested; etc.
- To Probation, prosecutes Juvenile Delinquent and Persons in Need of Supervision (PINS) in Family Court; legal research and advise on numerous legal matters as they arise, including without limitation, Orders mandating defendant payments for alternatives to incarceration (ATI), plea negotiations, sentencing, conditions of probation, raise the age proposed legislation; etc.

- To Public Defender's Office, general legal services; review conflict motions; attention to subpoenas and FOIL requests; etc.

- To Public Health Department, review all contracts, attention to Medicaid compliance certification; review patient records portals for HIPAA compliance; advise as to employee(s) disciplinary action(s); provide HIPAA training; review and advise as to proper insurance documentation for various providers; miscellaneous legal research; records retention; transportation negotiations and contract drafting; etc.

- To Real Property Tax Services, conveyance of TWO HUNDRED TWELVE (212) County-owned Sleepy Hollow properties to contiguous property owners or the Association of Property Owners of Sleepy Hollow, Inc.; acquisition of real property in Catskill; representation of Greene County in securing a redetermination from NYS Department of Taxation and Finance placing 58 parcels of real property, comprising approximately 800 acres, back onto the tax rolls and recovering approximate \$120,000.00 in back taxes; draft and litigate Summary Judgment Motions related to the 2016 In Rem Tax Foreclosure proceedings; assist in determination of location of emergency communication towers; research and respond to legal issues which arise from time to time; etc.

- To Sheriff's Department, research and advise as to Immigrations and Customs Enforcement (ICE) liability avoidance and policy determination; review of and legal research related to Sheriff's sale(s); review of inmates claims; review of contracts; general legal research; attention to and all civil matters which may arise; handling of vehicle insurance claims; handling of property damage claims; research and negotiate with New York State Commission of Corrections successfully expanding bed count in the Greene County Jail; review all claims and litigation against Sheriff's Department; ongoing discussions with Sheriff, Under Sheriff and appropriate staff regarding Immigrations and Customs Enforcement (ICE) involvement; continued involvement with Jail Superintendent and Commission of Corrections; defended three Writs brought against Greene County Sheriff and New York State Inspector General; opposed successive Writ in Appellate Court resulting in petitioner being sentenced to sixteen months in State prison; collected \$3,430.00 from Downstate attorney who neglected to pay Sheriff poundage due and owing since 2014; advised Greene County Sheriff Department as to expiring Governor's Warrant of Extradition; responded to and successfully opposed directives to Commission of Corrections collaboratively with Greene County Jail Superintendent; provide training to law enforcement at General In Service training, on weekends regarding on a weekend relative to State and/or Federal law regulating Service Dogs and law enforcement liability avoidance; etc.

- To Department of Social Services, review claims and threats of claims against the department; meetings with Commissioner and department attorneys relative to complex Family Court litigation; research and advise breach of confidential information; contract review; employee issues relative to breach; release of Social Services lien; Court appearances related to warrants; back up court appearances as requested; etc.

- To Solid Waste Management, including monetary collection letters, contract review and negotiations; insurance compliance review; attention to small claims; attention to refuse removal agreements with various contracts; collection of delinquency accounts; etc.

- To The Treasurer's Office, researched, posted unclaimed funds, filed statutorily mandated unclaimed funds report with New York State Department of State Unclaimed Funds Division; including foreclosure of tax liens; representation on Sleepy Hollow matters; attention to sale of Sleepy Hollow lots; closing of title on Sleepy Hollow County-owned storm water lots; negotiation and procurement of title insurance companies relative to County-owned Sleepy



Hollow lots, motion practice relative to In Rem tax foreclosure proceedings; attention to bankruptcy issues in connection with pending In Rem proceedings; research Summary Judgment motions in association with In Rem proceedings; serve as Greene Tobacco Asset Securitization Corporation (TASC) President; review and execute all agreements and audits, attend annual Greene Tobacco Asset Securitization Corporation (TASC) meetings; litigation with Sovereign Citizens causing collection of approximately \$114,000.00 in taxes etc.

- To Soil & Water Conservation District, assisted with FEMA buyout of Briggs factory located in the Town of Prattsville, NY; orchestrated demolition and cleanup; etc.
- To Veteran's Service Agency, attention to lease renewal and approval; etc.
- To Weights and Measures, no involvement; etc.