

COUNTY ATTORNEY ANNUAL REPORT FOR 2017

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, close attention and legal review of all FOIL requests, 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's Department, inclusive of Corrections. On a daily basis I review contracts from all departments for form, however always with an eye towards content. I review all contracts, certificates of insurance and/or addendums to ensure compliance and enforceability of the County's insurance standards.

In addition to reducing the County's exposure and liability and in addition to defending lawsuits brought against the County and/or its personnel, my office has dedicated itself towards expanding county's revenues through legal efforts. This office performs collection services for Greene County without paying outside legal fees; intervenes in civil matters in which the county has a monetary interest; has recently sought judicial review of an onerous assigned appellate division counsel voucher and legal enforcement of Real Property Tax ("RPTL") Article 11 proceedings. This office is also instrumental in negotiating settlements and remedies related to contract disputes, and other matters, saving the County thousands of dollars. In the last two years this office has successfully recovered a total amount of approximately \$463,000.00 through its litigation efforts. This office has also caused approximately 850 acres to be placed on the tax rolls resulting in annual savings of \$40,000.00 to the County. This office has successfully negotiated contract disputes resulting in a benefit of approximately \$31,600.00 to the County.

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 rendered to all departments include without limitation:

1. Representation in litigation either as plaintiff or defendant (The Annual Audit Report updated to March 31, 2018 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 (162 in 2017);
3. Legal research and legal advice;
4. Supervision of and collaboration 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 process all incident/accident reports (75 in 2017);
11. Train all County personnel as to Federally mandated annual Workplace Violence Prevention Program;
12. Provide new hires with Health Insurance Portability and Accountability Act (HIPAA) training as required;
13. Train all County personnel as to federally mandated annual Title VI Civil Rights Plan implementation as directed and enforced by New York State Department of State, Department of Transportation;
14. Chair Workplace Violence Prevention Program Hazard Mitigation Team meetings;
15. Review and direct compliance or oppose all subpoenas served on Greene County.
 - To Batavia Kill Watershed District, reconciliation of operations and maintenance funds for the 2016-2017 period; reconciled New York State Department of Environmental Protection billing of Batavia Kill Watershed District, inclusive of allocation of credit balance; etc.

- To Civil Service, assisted in drafting of new job description(s) and legal advice; assistance and interfacing with local municipalities related to the creation of acceptable job titles; etc.

- To County Clerk, review and respond to FOIL requests; legal research, interpretation and collaboration; review various documents submitted for filing, upon requested; consultation relative to fee disputes; review Summons and Complaints naming County Clerk as defendant, file and serve Notices of Appearances; file and serve Notices of Entry; review litigation and court documents and advise as to indices adjustment; general legal research and advice; etc.

- To District Attorney, consistent collaboration on criminal matters which overlap civil claims against Greene County; attention and assistance to FOIL requests; represents the District Attorney office in defending civil lawsuit; 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 \$6,000.00 in closing fees; drafting 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 various insurance issues; ex officio member of Economic Development Committee; attendance at Economic Development Loan and Quantum Fund Committee meetings; review and approve subordination agreements; consultation and legal advice to the Director re: all County projects; released all 2012 Disaster Relief Loans; draft and review of resolutions; contract preparation; reviewed Federal subpoena; legal research; interface with Federal law enforcement; compilation of records and delivery of subpoenaed materials; drafting UCC-1 and UCC-3 continuation filings on certain loans; meetings, negotiations and research regarding operations of Catskill Point Freightmaster Building with NYS Department of State Code Enforcement Division; review of NYS Building Code; review of NYS Fire Prevention Code; 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 acquisition for emergency communications tower; review of all contracts; preparation of annual EMS paramedics agreements with municipalities; purchased

New Baltimore property for emergency communications tower use; draft profit sharing agreement contract; assist seller's attorney in correcting maps and clearing title defects relative to prior surveys and overlap areas; 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, law enforcement and Probation Department; assist with motion practice and trial preparation; research swearability of juvenile witnesses; etc.

- To Family Planning, general legal services; attention to contract review and opinions; reviewed claim and advised; meetings with NYSDEA and the U.S. Assistant Attorney General relative to investigation of medical director; etc.

- To Highway Department, review contracts; 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; drafted indemnification agreement between Greene County Highway and snowplow photographer; etc.

- To Human Resources, attention to all harassment complaints; review and investigation of all harassment and discrimination complaints and generation of investigative report; retiree health insurance review; 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; draft indemnification agreement; investigate harassment complaints filed by department personnel; 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 and NYMIR regarding defense and indemnification of current litigation; review all professional sub-contractors'

professional liability insurance policies; 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 as requested; research and advise as to Public Officer's Law, Robert's Rules of Order and Open Meetings Law, and Rules of Legislature; hired Simmons Hanly law firm to represent Greene County, along with the Greene County Attorney, in the opioid litigation lawsuit against pharmaceutical manufacturers of prescription opiates; preparation of bond counsel attorney opinion letter for 2018; attend Raise the Age symposiums with Chief Administrative Judge ; attend shared jail services meetings in neighboring County; research of soil conditions in neighboring County jail site; review of all contracts signed by County; interpret insurance documents; 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 Counties; maintain communications with New York State Attorney General's Office; contract negotiations; Human Resource issues and retiree health insurance benefits; attention to lease renewals; legal research and advice re: employment matters, departmental policies and procedures; document retention; code enforcement and compliance; 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; 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; conveyance of burdened property to the Village of Catskill; 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, review and assistance to all insurance-appointed attorneys defending and representing Greene County; review and reinstate practitioners professional liability insurance policies; review all jail project-related contracts, negotiate and close tower site; 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; 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 Prosecutor; response to general correspondence as required; preparation of 2017/2018 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, review Requests for Proposals, Requests for Bids and Requests for Quotes for various departments; 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; research and provide legal opinions to Legislature and County Administrator as necessary or as requested; etc.

- To Mental Health, attention to medical records, whether by release, Court Order or subpoena; research, review and advise new legislation affecting fee structure relative to copying of medical records; legal representation of Margaret Graham, Director of Community Services, with regard to Assisted Outpatient Treatment (AOT) proceedings (7 in 2017), preparation of Assisted Outpatient Treatment (AOT) documents; Assisted Outpatient Treatment (AOT) court filings; attendance at AOT hearings; 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 (128 in 2017); 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, as 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; review department policies at the request of the director for compliance with the law; etc.
- To Public Defender's Office, general legal services; review conflict motions; attention to subpoenas and FOIL requests; legal research relative to confidentiality of records, third party requests; provide defense to the Public Defender in lawsuit brought pursuant to CPLR Article 78; etc.
- To Public Health Department, review all contracts, attention to Medicaid compliance certification; provide HIPAA training; review and advise as to proper insurance documentation for various providers; miscellaneous legal research; records retention; transportation contract negotiations and contract extension; review and respond to all requests for Public Health records; etc.
- To Real Property Tax Services, draft and litigate Summary Judgment Motions related to the 2017 In Rem Tax Foreclosure proceedings; negotiation, review and amendments to option agreements conveying purchase options of 48 lots to the APO of Sleepy Hollow Lake, Inc.; draft PILOT demand letters and negotiations of PILOT agreements with the director of Real Property Tax Services; review of altered maps filed in Greene County which became exhibits to Court documents; research and respond to legal issues which arise from time to time; etc.
- To Sheriff's Department, 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, communications and negotiations with New York State Commission of

Corrections in an effort to maintain the bed count at its current level in the Greene County Jail; review all claims and litigation against Sheriff's Department; ongoing discussions with Sheriff, Under Sheriff and appropriate staff regarding all civil matters; continued involvement with Jail Superintendent and Commission of Corrections; prepared and filed sheriff's deed and closing documents as per Court Order; arranged training session re: avoiding civil liability in law enforcement matters; successfully brought a motion in County Court seeking declaratory judgment to confiscate weapons deemed nuisance weapons and an Order to destroy nuisance weapons; interface between Sheriff's office, NYS Attorney General and Bankruptcy Court relative to execution of Sheriff's warrant of eviction; review of all claims against the Sheriff's Department and/or personnel; accept calls from the field 7 days a week to provide legal research and advice; successfully applied to the FAA for a Certificate of Authorization to Operate a Public Aircraft (drone); defended Sheriff's Department in civil proceeding pursuant to an Article 78 by an inmate at Coxsackie Correctional; assisted in extradition of criminal defendant from Texas in order to garner probable cause to successfully dismiss a civil lawsuit brought by the criminal defendant against the County; preparation of contract for jail physician; 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; defending proceeding brought under Article 78; meeting with DSS Commissioner regarding social services liens; contract review and insurance review; back up court appearances as requested; etc.

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

- To The Treasurer's Office, brought County Court action seeking declaratory judgment cancelling mechanic's lien and refunding undertaking to depositor; researched outstanding bail and remitted as unclaimed funds to NYS Comptroller's Office along with unclaimed funds report with NYS Department of State Unclaimed Funds Division; summary judgment motions in foreclosure tax lien proceedings; brought administrative review of assigned counsel voucher resulting in savings to the County of \$6,489; intervened in judicial dissolution of a domestic corporation resulting in tax payments to the Treasurer's Office in the amount of \$155,000, dating back to 2011; participated as counsel in Bankruptcy Court trial which resulted in a directed

verdict in County's favor; drafted statement of contentions with NYS Department of Taxation and Finance resulting in payment to the Greene County Treasurer in the amount of approximately \$153,000 and placing 853 acres back on the tax roll, saving the County approximately \$40,000 annually in payments to taxing districts; negotiated Sleepy Hollow purchase options on 48 additional lots; meetings with Sleepy Hollow personnel; 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; etc.

- To Soil & Water Conservation District, general legal advice; etc.
- To Veteran's Service Agency, attention to lease renewal and approval; etc.
- To Weights and Measures, no involvement; etc.