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COUNTY ATTORNEY ANNUAL REPORT FOR 2018

Greene Co Legislature

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 Greene County it is my goal to minimize all risk(s) associated with the day to day operations and administration of County Government. I strive to reduce costs to taxpayers and to maximize all current and potential assets. I personally represent the County in as much litigation as practical. In the past FOUR (4) years I have successfully handled all litigation not covered under the County's indemnification insurance policies. I have handled all collection matters for County departments and associated litigation, realizing significant revenue without tarnishing the County's reputation.

Notwithstanding the above, it remains my primary goal to avoid litigation wherever and whenever possible. In furtherance of that objective I work with each and every department researching, when necessary, and training personnel relative to compliance with all controlling rules, regulations and/or laws.

I make it my department's mission to interface with all County departments and assist procedurally to assure continuing 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 and responses, 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. I am responsible for reviewing all County contracts from all departments and approve same as to form. However, I do so with a watchful eye towards content.

The above stated efforts have resulted in (a) fewer claims; (b) fewer lawsuits; (c) fewer losses; (d) significant reduction in outside legal fees; (e) zero collections fees; and (f) lower and/or non-escalating risk insurance premiums.

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 a myriad of legal services for Greene County, including, without limitation, legal research and provides legal

advice, collections actions, negotiating PILOT agreements, PILOT contract negotiation and review, Real Property Tax Services Land Use advice, Civil Service compliance, personnel matters, real estate transactions, investigates harassment/discrimination complaint, Batavia Kill Watershed Dam reports review and analysis, Greene County Soil and Water Conservation representation, Ethics Board advisory, claims processing, In Rem Tax Foreclosure proceedings, Assistant Outpatient Treatment proceedings, Information Officer, Economic Development Loan closings, Quantum Fund advisory, loan buyouts, mortgage satisfactions, UCC releases, DMV lien releases, contract preparation and review and oppose poor person applications. 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 three and a half years this office has successfully recovered a total amount in excess of \$500,000.00 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 and garnering approximately \$40,000.00 of additional annual revenues. This office has successfully litigated a significant Tax Foreclosure matter which concluded on 02/14/19 in favor of Greene County and is expected to result in revenues in excess of \$1M; plus significant property and sales tax revenues going forward.

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 May 31, 2019 is Attorney/Client privileged and will be provided to the Legislature under separate cover);
2. Analysis and response to 192 FOIL requests, 17 subpoenas, related motions and appeals;
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 (78 in 2018);
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 with or draft opposition to 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 and Town and Village compliance with all New York State Civil Service Rules and Regulations; etc.
 - To County Clerk, review and respond to FOIL requests; legal research, interpretation of CPLR and Court Rules; review various documents submitted for filing, upon request; 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 lawsuits; opposition to poor persons motions where applicable, etc.

- To Economic Development, Tourism & Planning, including review and approval of all contracts, including insurance requirement compliance; attendance at Quantum Fund meetings; close Quantum Fund loans and/or grants; 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 Advisory Counsel at Quantum Fund Committee meetings; drafting of subordination agreements; consultation and legal advice to the Director re: all County projects; drafting UCC-1 and UCC-3 continuation filings on certain loans; closing out fourteen (14) loans, inclusive of mortgage satisfactions/releases of all security instruments; research issues related to the formation of the Economic Development Corporation; etc.

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

- To Board of Ethics, advise and guide the Board of Ethics; etc.

- To Emergency Services, review of all contracts; preparation of annual EMS paramedics agreements with municipalities; 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; attendance and participation and research involving all Office of Court Administration (OCA) meetings regarding Raise the Age (RTA); etc.

- To Family Planning, general legal services; attention to contract review and opinions; reviewed claim and advised; suboxone treatment research; etc.

- To Highway Department, attention to personnel matters; review contracts; attention to various claims for property damage; collections actions; etc.

- To Human Resources, attention to all harassment complaints; review and investigation

of all proposed harassment/discrimination complaints and generation of investigative report; 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; respond 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 as necessary; review of insurance certificates; 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.

- 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; monitor Simmons Hanly law firm as to the opioid litigation lawsuit against pharmaceutical manufacturers of prescription opiates; preparation of bond counsel attorney opinion letter for 2019; attend Raise the Age conferences with Chief Administrative Judge; 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; attention to Notices of Claim for personal injuries; appearance at all 50-h hearings; preparation of 2017 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 Historical Society
3. Greene County Libraries Association
4. Greene County Soil & Water Conservation
5. Greene County Federation of Sportsmen Clubs
6. Greene County Agricultural Society;

Supervision, review and assistance to all insurance-appointed attorneys defending and representing Greene County; review all jail project-related USDA addenda; 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; 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; 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; legal representation of Margaret Graham/Jason Fredenberg, Director of Community Services, with regard to Assisted Outpatient Treatment (AOT) proceedings (17 in 2018), 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 (111 in 2018); legal research and advice as to third party deposition subpoenas; 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; trained all Mental Health providers as to Court testimony under subpoena; 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; review firearms policy; interface with personnel matters; etc.

- To Public Defender's Office, general legal services; review conflict motions; attention to subpoenas and FOIL requests; conflict advice; 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; review and respond to all requests for Public Health records; miscellaneous advice as requested; etc.

- To Real Property Tax Services, draft and litigate Summary Judgment Motions related to the 2017 In Rem Tax Foreclosure proceedings; review PILOT agreements with the director of Real Property Tax Services; research and respond to legal issues which arise from time to time; worked with NYS Department of Environmental Conservation regarding contaminated

properties; negotiate with NYS Department of Environmental Protection relative to County owned flood damaged properties; ongoing negotiation with Sleepy Hollow Lake, Inc.; etc.

- To Sheriff's Department, legal advice offered to Sheriff Department on a regular ongoing basis, as needed; review of inmates claims; review of contracts; general legal research; attention to any and all civil matters which may arise; handling of vehicle insurance claims; handling of property damage claims; continued attention to all aspects of Greene County jail project, as requested; review of all contracts relative to Greene County Jail project; research and drafting of minimal insurance standards for bidders related to the Greene County Jail construction project; review of all claims against the Sheriff's Department and/or personnel; accept calls from the field 7 days a week to provide legal advice as to arrests of minors; research and respond to all information requests; overseeing indemnity representation of Sheriff Department; general advice to Sheriff, Under Sheriff and supervisory personnel, as requested; preparation of contract for jail physician; etc.

- To Department of Social Services, assist in ascertaining the department's roll in third party lawsuits; meeting with DSS Commissioner regarding social services liens; contract review and approval; insurance review and approval; handle subpoenas; move to quash subpoenas; review and accommodate ADA requests; back up court appearances as scheduled; etc.

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

- To The Treasurer's Office, draft summary judgment motions in foreclosure tax lien proceedings; interface with Director of Taxes with regard to tax liens; participated as counsel in Bankruptcy Court of Appeals trial which resulted in prior Order Affirmation in favor of Greene County; continued negotiations regarding lot options at Sleepy Hollow Lake; 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, contract review and approval; etc.
- To Weights and Measures, no involvement.

