

COUNTY ATTORNEY ANNUAL REPORT FOR 2012

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 29, 2013 is Attorney/Client privileged and will be provided to the Legislature under separate cover);
2. Analysis and response to all FOIL requests and appeals (125 in 2012);
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, especially preparation of sexual offender residency law;
7. Representation of 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.
 - To Batavia Kill Watershed District, service for 13th 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 FEMA issues re: damage from Hurricane Irene; etc.
 - To Buildings and Grounds, including employee problems, attention to resolution of numerous damage claims; 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 (11 in 2012); loan modifications, mortgages, delinquencies; pre-school handicapped transportation contract; attention to certain IDA issues; commencement of 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; negotiation and execution of County with Hudson River Cruises contract; attention to questions re: usage of POINT facilities; attention to Friar Tuck bankruptcy/Caridi Estate; preparation of multiplicity of Mortgage Satisfactions; participation in settlement of Champlain Hudson Power Express Siting settlement, intervention as party; agreement with Hudson Cruises; Scribner Hollow Corp. loan restructure; ex officio member of Economic Development Committee; etc.

- To Board of Elections, participation in proceedings brought against the Board of Elections by various petitioners in connection with certain alleged election law violations, including attendance at Court proceedings; attention to compliance with Federal Voters Rights Acts, lawsuit Amedore v. Tkaczyk and other 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; negotiation of "CodeRed" agreement; 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 interstate support agreements; attention to employee discipline hearings; etc.

- To Family Planning, general legal services; 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; 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; interpretation of resolution re: Retiree Health Benefits; HIPAA Refresher Training; Prevention of Violence in the Workplace training (11/27/12 and 11/29/12); 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 RFP for Third Party Administrators for workers' compensation; etc.

- To Human Services, agreement with Cornell Cooperative Extension regarding Work Force Investment contract; attention to insurance for senior citizen centers; general legal services; etc.

- On Insurance Matters, including claims submissions, attention securing appropriate legal representation for County on all 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; quarterly meetings 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; preparation of Greene County Historical Society contract; 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 2012 Cost Allocation Summary for auditors; preparation of annual litigation audit; preparation of annual contracts for Greene County with:

1. Cornell Cooperative Extension
2. Community Action of Greene County
3. Council on the Arts
4. Historical Society
5. County Libraries Association
6. Ulster-Greene NYSARC
7. Community Services Board and Twin County Recovery Services
8. Soil & Water Conservation
9. Federation of Sportsmen Clubs
10. 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; preparation of contract with Twin County Recovery Services, Inc.; service as President of Tobacco Asset Securitization Corp., including scheduling and attendance at annual meeting, electronic filing of required financial reports pursuant to PAAA; preparation of 2012 agreement with Hudson Cruises, Inc.; attention to workplace violence complaints; attention to legal research; response to several letters re: retiree or employee health insurance benefits; preparation of 2011/2012 Litigation Report/Annual Audit; preparation of legal memo re: IDA issues; preparation of independent contractor form contract compliant with IRS regulations; attention to numerous complaints from inmates; attention to granting 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 multiplicity of issues re: recovery from Hurricane Irene: legal research and multiple revisions to proposed local law restricting residency of registered sex offenders; attention to extension of local sales tax; attention to independent contracts status for certain individuals; preparation of intermunicipal agreements with towns, villages and adjoining counties; 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 (9 in 2012), 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 psychiatric notes under HIPAA; attention to discriminatory harassment complaint; preparation of contracts for independent contractors; review of requests for documents re: HIPAA compliant; preparation of independent contractor agreements; response to Mental Health records requests (43 in 2012); 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 Nursing 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; response to Public Health Nursing records requests (6 in 2012); 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 assistance with Sheriff's Execution Sales; legal research; coordination of depositions in pending legal actions; 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; prosecution of bad checks in criminal court; attention to lease of Solid Waste Transfer Station in Coxsackie; attention to the revision and review of Hazardous Waste Bid specifications; collection of delinquency accounts; preparation of contracts with carting services; collection of delinquent accounts; 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, renegotiation of lease; attention to lease renegotiation and renewal; renewal of lease; etc.

- To Weights and Measures, including attention to collection of delinquent fines; etc.

- To Cooperative Extension, general legal services; etc.