

COUNTY ATTORNEY ANNUAL REPORT FOR 2015

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 review litigation and claims threatened or asserted against the County and consult with outside legal counsel with respect thereto when I deem appropriate.

The County Attorney's office works with all departments in an effort to structure all contractual obligations and departmental activities consistent with litigation avoidances and/or meritorious outcome.

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, 2016 is Attorney/Client privileged and will be provided to the Legislature under separate cover);
2. Analysis and response to all FOIL requests and appeals (143 in 2015);
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 County Attorneys' Association of the State of New York (CAASNY);
7. Attention to bankruptcy matters for County;
8. Review of all Legislative Youth Fund Grant Applications;
9. Review of Greene Tobacco Asset Securitization Corporation and compliance with PAAA issues;
10. Research and advise all departments re: document retention
11. Review and processing of all incident/accident reports (54 in 2015).
 - To Batavia Kill Watershed District, meeting with a representative of New York State Department of Environmental Protection re: reconciliation of operations and maintenance funds.

for the 2014-2015 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, including employee problems, attention to resolution of numerous damage claims; draft Window Washing Contract with NYSID; acquisition of real estate in Coxsackie for possible site of construction of new jail; conveyance of parking lot on Hill Street to contiguous property owners; review of contracts with SolarCity; review of Janitorial Services contract for courthouse; legal advice re: Greene County Workplace Violence Prevention Program survey mitigation; etc.

- To Civil Service, legal research and advice; etc.

- To County Clerk, including consultation on issues regarding legality of documents to be filed or answered, fees to be paid; filed and served Notices of Appearance on various matters; legal research and memorandum re: multiplicity of issues; mortgage tax lien research; review and advised of RFP for County Clerk's office re: document records system; review litigation and court documents and advise as to indices adjustment; etc.

- To District Attorney, opposition to Writ of Habeas Corpus and opposition to Motion to Reargue; attention to FOIL requests; etc.

- To Economic Development, Tourism & Planning, including attendance at Quantum Fund closings (7 in 2015) taking in \$8,450.00 in closing fees; loan modifications, mortgages, delinquencies; pre-school handicapped transportation contract; 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 letters to close Quantum Fund Loan; attention to Bass Tournament matters; attention to County festival contracts; attention to various insurance issues; attention to Friar Tuck bankruptcy/Caridi Estate; Scribner Hollow Corp. financing and closing; 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; researched and drafted assignment and assumption agreement; SEQR review; review of SolarCity contracts; preparation of Tourism travel guide printing contracts; negotiation and discontinuance and settlement of consumer transaction lawsuit; negotiating Hunter cell tower/broadband initiative; consultation with Warren Hart re: all County projects; settled FirstLight Fiber consumer credit transaction; etc.

- To Board of Elections, legal advice; approval of contracts; draft voting machine use contracts; attention to request to use voting machines by localities; legal research and representation regarding election law issues; compile and marshal election results, as necessary, when challenges are brought; assist in compilation and production of FOIL materials; etc.

- To Board of Electrical Examiners, including attendance at a meeting; miscellaneous legal advice re: eligibility of candidate for recertification; etc.

- To Emergency Management, research and negotiation of license agreements; review of all contracts as to form; assisted in the agreement to purchase fire apparatus; negotiation re: termination of contract; 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; bi-weekly interface with Family Court Chief Clerk and Probation Department; attend raise the age conferences and review materials; etc.

- To Family Planning, general legal services; attention to contract review and opinions; legal review of proposed patient portal participation agreement; etc.

- To Highway Department, review contracts and record sub-contractor's lien; 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; settlement and discontinuance of lawsuit by Merritt Construction, Inc. v. Greene County; advise as to County acquisitions; etc.

- To Human Resources, attention to various complaints by or against Human Resources; legal advice regarding various employee complaints; attention to review and investigation into all complaints re: violations of County policies; Workplace Violence training of all Greene County employees, Department of Labor mandate; responded and settled two PESH violations; interviewed employees re: grievances; review EEOC complaints; resolve issues re: employment rights for Greene County employees in retirement; responded to all ADA requests for accommodations; ADA research; Affordable Care Act research; review and defense of unemployment compensation claims; participated in supervisory training sessions; etc.

- To Human Services, general legal services; attention to issues regarding liability for senior citizen centers; review lease agreement for senior centers; review of insurance certificates;

review trademark infringement; resolved intellectual property conflict; 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; attention to supervision of assigned attorneys including supplying evidence as available; 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; attendance at miscellaneous committee meetings when requested; assistance in filing certificates of appointment of officers, undertakings by County officers; draft proposed local laws; 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: worker's compensation law; investigations into allegations of misconduct by certain employees; consultation with labor counsel; court appearances regarding prosecution of various other offenses as they effect Greene County; investigations of several employee complaints; attention to TASC issues including PAAA compliance; negotiation and compliance with NYS Department of Labor PESH violations; legal research relative to all claims against the County, 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 2015 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; review of Ulster-Greene NYSARC Transportation contract; attention to Workplace Violence Prevention Program as mandated by New York State Labor Law; review and update policy statement and program; review of all Youth Fund Grants; review of Greene TASC bond performance, including scheduling and attendance at annual meeting, electronic filing of required financial reports pursuant to PAAA; attention to workplace violence complaints and surveys; attention to legal research; response to several letters re: employee health insurance benefits; preparation of 2015/2016 Litigation Report/Annual Audit; 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; legal research re: exception and overlap with Judicial Law §177; research and advice re: service animals, ADA, New York Civil Rights Law, in rem tax sales, Civil Service competitive positions and disqualifications; review and advice re: Requests for Quotes; requests for bids and requests for proposals for equipment, services and/or professional services; attention to independent contracts status for certain individuals; attention to drafting lease with Nature Conservancy and closing title of conveyance from Nature Conservancy to Soil and Water Conservation District; preparation of EMS repayment agreement; review; draft Window Washing Contract with NYSID; Phase I Environmental Assessment for property acquisitions; interface with County Administrator with contracts for proposed jail project; draft correspondence for Chairman to Sleepy Hollow Lake re: continued negotiation; attention to proposed Pilgrim Pipeline Project and opposition to lead agency status; reviewed and negotiated Hunter cell tower contract; provide legal opinions; organized and chaired meetings of the Greene County Workplace Violence Hazard Reduction Team, survey collection and follow up with Buildings & Grounds; research and provide legal opinions to Legislature and County Administrator as necessary or as requested; 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; legal representation with regard to Assisted Outpatient Treatment (AOT) proceedings (8 in 2015), assist in preparation of AOT documents; AOT court filings; attention to legal issues regarding production of documents and reports, subpoenas and FOIL requests in accordance with HIPAA regulations; petitions and hearings; legal research and memo regarding release of psychotherapy notes under HIPAA; preparation of contracts for independent contractors; response to Mental Health records requests (154 in 2015); appearances, review and advice on subpoenas; attend meetings and provide legal guidance as to independent practitioner agreements; review IPA documentation, proposals and literature; etc.

- To NYS Department of Motor Vehicles, general legal services, etc.
- To Probation, prosecutes JD's and PINS in Family Court; legal research and advise on service dog case; etc.
- To Public Defender's Office, general legal services; review conflict motions; detainees civil rights; etc.
- To Public Health Department, review all contracts, advice regarding future revisions of Medicaid compliance practices, patient records portals as relate to HIPAA; employee disciplinary action; HIPAA training; attention to obtaining proper insurance documentation for various providers; miscellaneous legal research; records retention; transportation negotiations; etc.
- To Real Property Tax Services, conveyance of County-owned property to contiguous land owners; acquisition of real property in Coxsackie; assisted in amending and finalizing lot number assignment for plan development; adjust indices pursuant to Court Order; review deeds and "swap" parcels with Town of Coxsackie for Town of Coxsackie highway garage; review all litigation affecting property tax; 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; Civil Service eligibility disqualification; attention to property executions, draft Motion to Vacate a Satisfaction of Judgment in Rennselaer County Court; attention to other civil matters; attention to training liability issues of canine and dive teams; handling of vehicle insurance claims; defend Writ of Habeas Corpus, defend Motion to Re-Argue, defend successive Writ of Habeas Corpus, correspondence with Appellate Division re: Notice of Appeal; review all litigations against

Sheriff Department; discussion with Sheriff re: litigations; legal research re: New York State Department of Criminal Justice service animal training; deposition attendance; legal research re: unsealing of criminal files; attendance at meetings with outside counsel and Sheriff Department; attend 50-H hearing; etc.

- To Department of Social Services, including foster care legal questions and liability of Department of Social Services; contract review; employee issues including threats; conflict of interest questions; issues re: collection of DSS liens; check independent facilities insurance for liability, physical abuse and/or sexual misconduct; Court appearances; interface with law enforcement re: JD's; contact with Office of Children and Family Services counsel; contract review; satisfaction of liens; back up court appearances as requested; etc.

- To Solid Waste Management, including monetary collection letters, contract review and negotiations; attention to small claims; attention to refuse removal agreements with various contracts; collection of delinquency accounts; preparation of contracts with carting services; employee grievance investigations; DMV damage claims; etc.

- To The Treasurer's Office, including foreclosure of tax liens; 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: unclaimed assets in Treasury escheating to New York State Department of State; research Summary Judgment motions in association with in rem proceedings; Bankruptcy Court property sale, negotiating title and sale of Sleepy Hollow properties; participation in Courthouse bond refinancing; review TASC; review bankruptcy petitions; etc.

- To Soil & Water Conservation District, review FEMA and Buyout Programs; closed land acquisition; 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.