



Office of the County Attorney
2025 Annual Report

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2025 COUNTY ATTORNEY ANNUAL REPORT

As I embark on my thirteenth (13) and final year as the County Attorney, my role has expanded toward pre-emptory recognition to avoid legal issues. This summary shall be general in nature for reasons of confidentiality and privilege. I, and my staff, seek to minimize all liabilities associated with operations and administration of County Government and to maximize all assets beneficial to County government.

For the past twelve (12) years, I have represented Greene County in all civil litigation which was not defended by the indemnity insurance carrier. As to those matters, I work with those indemnity attorneys, assisting in the development of case theories, evidence, defenses, discovery and participation at trial.¹ My office has collected on judgments which have resulted in revenue each year and justice for the County without negatively affecting the County's reputation and in full compliance with all State and Federal Laws.

Myself, and my staff, to whom I am extremely grateful, have worked diligently to establish a culture of liability avoidance throughout all Greene County departments. I continue to maintain an open door policy with each and every department in an effort to train non-lawyers to identify potential circumstances that could result in liability to Greene County.

My office spends a significant amount of time every day reviewing all Freedom of Information Law (FOIL) requests (up 12% from 2024) and responses thereby being familiar with each and every requester, the issues and the law affecting the same. Freedom of Information Law requests have grown exponentially over the past few years; both in volume and complexity and in some cases the process appears to have become weaponized.

I work closely with any and all members of the Greene County Legislature who seek my counsel, the County Administrator, Greene County Treasurer's Department, Human Resources, Economic Development, Tourism and Planning, Highway, Public Health, Department of Social Services, County Clerk, Mental Health, District Attorney, Public Defender, Human Services, Probation, Weights and Measures and the Greene County Sheriff's Office.

¹ Only one case has gone to trial in twelve (12) years; the balance have been dismissed summarily in favor of the County or settled for nuisance value.

I am responsible for reviewing all County contracts submitted by all departments and to approve same, as to form, where appropriate. If the contracts are not approvable as written, I make every effort to interface with the vendors and Department Heads in order to render the contracts acceptable. I review all contracts, as to form; with an eye towards content and accuracy as well train our department personnel regularly in contractual language and ever changing insurance requirements as necessary to protect the interests of the Greene County taxpayers and reputation of the Legislature. These efforts have resulted in (a) zero contract claims profile; (b) elimination of contract lawsuits; (c) elimination of economic losses; (d) zero outside legal fees; (e) zero collections fees; and (f) lower insurance premiums related to contracts.

My office performs a myriad of legal services for Greene County Government, including and without limitation, legal research and provision of legal advice, prosecuting collection actions, negotiating and reviewing renewable energy PILOT agreements; providing legal advice to Real Property Tax Services, personnel matters, real estate transactions, investigation of harassment/discrimination complaints, investigation of workplace violence incident complaints, review and participation in the interactive process in making a determination of the request for reasonable accommodation under The Americans with Disabilities Act (ADA), review and submission of NYS Unemployment claims, Greene County Employee Incident Report review, Batavia Kill Watershed Dam reports review and analysis, Greene County Soil and Water Conservation representation, Counsel to Greene County Board of Ethics, claims processing and loss mitigation, In Rem Tax Foreclosure proceedings, Assisted Outpatient Treatment (AOT) Court proceedings, Freedom Of Information Law (FOIL) Information Officer, Economic Development Corporation grant closings, loan payoffs, mortgage satisfactions and associated research, UCC-1 lien filings, UCC-3 lien continuations and terminations, contract and resolution preparation for various departments. The Office of the Greene County Attorney handles all Subpoenas issued to any and all Greene County Departments and/or personnel and will move, where deemed appropriate, to comply with or quash Subpoenas. This office also reviews, and opposes, where applicable, Poor Persons' applications made to the New York State Supreme Court, Appellate Division and Court of Appeals in the standard course of business. Greene County disposes of meritless lawsuits.

In 2025, the Office of the County Attorney identified and closed title on a parcel of

commercial property located in the Town of Catskill to be used for the future development of the County's Veteran's Services.

This office negotiates settlements and remedies related to contractual disputes, if any and In Rem tax foreclosure matters as well as Medicaid liens. The County continues to collect the sum of **\$55,000.00** annually as a result of litigation brought against the New York State Department of Taxation and Finance in 2013.

My office, along with outside counsel, was successful in negotiating the settlement of a protracted tax certiorari litigation, which if successful, would have had dire economic consequences to the Town of Durham, the School District and the County.

In addition, after years of litigation, a United States Supreme Court case was voluntarily discontinued against Greene County.

In 2025, the Office of the Greene County Attorney also collected:

- **\$6,000.00** from Prattsville Commons, which will continue each year until 2056, totaling **\$210,000.00**;
- **\$26,000.00** in collections on behalf the Greene County Economic Development Corporation;
- **\$ 7,600.00** in collections on behalf of the Weights and Measures Department;
- **\$ 115.00** in subpoena fees;
- **\$ 147,368.77** in Opioid litigation funds;
- **\$ 8,000.00** in savings to County on settled construction invoice;
- **\$30,000.00** negotiated reduction in purchase price for roof repair;
- **\$ 151.50** in mortgage satisfaction recording fees;
- **\$13,300.00** in Public Housing Law Pilot;
- **\$ 3,376.66** legal fee reimbursement to Greene County;
- **\$ 80.71** from NYS for temporary Easement on SR 385;
- **\$ 1,251.50** from FOIL requests and Medical Records Requests;

TOTAL ACCRUALS BENEFITING COUNTY TAXPAYERS: \$243,244.14

As General Counsel for the County, I often field questions and draft opinion letters for department heads lending direction at legal crossroads. I am also called upon by other County Attorneys for legal opinion and support. I attend, present and participate in the annual meetings of the New York Association of Counties (NYSAC) and County Attorney's Association of the State of New York (CAASNY).

The following general legal services rendered to all departments include without limitation:

1. Analyzed and responded to **354** Freedom of Information Law requests, **33** subpoenas, related motions, in furtherance of court appearances seeking production of County records and testimony in New York State Courts. My office also responded to and satisfied **55** requests directed to Greene County Mental Health and/or Greene County Public Health;
2. Legal research and legal advice;
3. Representation in County litigation either as plaintiff or defendant (The Annual Audit Report, updated June 5, 2025, is an Attorney/Client privileged and confidential document);
4. Supervision of and collaboration with insurance company assigned counsel;
5. Researching and educating departmental staff as to current insurance requirements;
6. Researching and updating insurance requirements;
7. Contracts: preparation, review as to form, content and mathematical accuracy, negotiation and attention to appropriate insurance coverages relative to **192** contractual agreements;
8. Attention to bankruptcy matters protecting the County's interests;
9. President of Greene Tobacco Asset Securitization Corporation which includes preparation of documents, compliance oversight relative to Public Authorities Accountability Act (PAAA) issues, scheduling and attendance at the annual meeting;
10. Legal research and advice to all departments as requested;
11. Review and process all incident/accident reports (**61** in 2025);
12. Conduct Workplace Violence Incident Report investigations;
13. Conduct Sexual Harassment complaint investigations;
14. Conduct Harassment/Discrimination complaint investigations;
15. Conduct Workplace Violence Prevention Program Hazard Reduction Team meetings;

16. Attention to requests as Co-Coordinator for reasonable accommodation under The Americans with Disabilities Act, participation in the interactive process and discussions with outside counsel related thereto;

17. Review and direct compliance with or draft opposition, where appropriate, to all subpoenas served on Greene County.

- To Batavia Kill Watershed District: Review all Batavia Kill Watershed District bi-annual dam inspections conducted by New York State Department of Environmental Conservation and Natural Resources Conservation Service (NRCS); reports and interface, if necessary, with Batavia Kill Watershed district officials; etc.

- To County Clerk: Review and respond to FOIL requests; legal research, interpretation of Civil Practice Law and Rules (CPLR) and Court Rules; review various documents submitted for filing, upon request; consult as to fee disputes; review litigation and court documents and advise as to indices adjustment; interface with public as requested; general legal research and advice to County Clerk and Deputy; etc.

- To District Attorney: Consistent collaboration on criminal matters which overlap civil claims against Greene County; attention and assistance to FOIL requests; prosecute Adolescent Offenders removed to Family Court upon motion of District Attorney and Order of the Court; represented the District Attorney, one of seven defendants, in a United States Supreme Court challenge of the SAFE Act, etc.

- To Economic Development, Tourism & Planning: Review and approval of all contracts and contract extensions for Economic Development and Tourism, and mortgage satisfactions. Research existing loan files in efforts to accurately and securely file mortgage satisfactions which were never filed by borrowers of the past. Prosecute collections actions; preparation of Title VI Annual Assurances to NYS DOT; consultation and legal advice to the Director re: all County projects; prepare UCC-1 and UCC-3 filings; advising on General Municipal Law §103, bidding process and tabulation, draft resolutions and performed State Environmental Quality Review Act lead agency functions relative to acquisition and sale of real property and construction projects in Greene County; 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 counsel the Board of Ethics; conduct and attend

Board of Ethics meetings, legal research as necessary; etc.

- To Emergency Services: Review and approve all contracts, as to form; prepare annual EMS paramedics agreements with municipalities; prepare Emergency Services Training Contracts; legal advice as requested; review and respond to FOIL requests; review and respond to subpoenas; etc.

- On Family Court Matters: Weekly appearance of Assistant County Attorney on Juvenile Delinquency (JD) petitions and hearings; interfacing and coordinating anticipated diversions and/or prosecutions; prosecute Adolescent Offenders removed to Family Court upon motion of District Attorney and Order of the Court; preparation and attendance at trial(s); etc.

- To Highway Department: Attention to personnel matters; contract review; attention to various claims for property damage; site visit(s) and map review(s); interface with citizens regarding complaints and/or requests; review and respond to FOIL requests; preparation of Title IV Annual Assurances to NYSDOT; legal research; real property title research; assist outside counsel in eminent domain proceedings; review acquisition maps for filing and fair market value offer, etc.

- To Human Resources: Attention to any and all harassment/discrimination and workplace violence complaints; any and all sexual harassment complaints; review and investigate all proposed harassment/discrimination, sexual harassment and workplace violence complaints and generate investigative report(s); legal advice regarding various employee complaints; respond to any and all ADA requests for reasonable accommodations; participation in the interactive process and ADA research; submission of unemployment compensation claims;

- To Human Services: General legal services; contract review; contract language advice; review of insurance certificates; investigate workplace violence report filed by department personnel, interface with personnel re: interoffice relations and workplace conditions; preparation of Title VI Annual Assurances to NYS DOT, etc.

- On Insurance Matters: Research claim submissions; attention to securing appropriate legal representation for Greene County, when indemnified; confirming the assignment of legal representation to all claims; track interposition of responsive documents, Court dates, motion dates, return dates and assist outside indemnity counsel on all claims and lawsuits; legal research; review of all insurance coverage; negotiate claim settlement(s); telephonic conferences

with Marshall & Sterling loss mitigation personnel and New York Municipal Insurance Reciprocal (NYMIR) risk assessment personnel regarding defense and indemnification of current litigation; correspondence rejecting claims against the County and review all professional subcontractors' liability insurance policies; continuously review and update county insurance requirements; etc.

- To The Legislature: Attend monthly committee and Legislative meetings; attend miscellaneous committee meetings when requested; legal research as requested; research and advice as to Public Officer's Law, Robert's Rules of Order and Open Meetings Law, and Rules of Legislature; inform elected officials as to the status of and/or changes in any lawsuits that may affect the public or the County budget and/or bond rating; read and monitor bankruptcy filings re: In Rem Tax Foreclosures; drafted moratorium for NYS Legislature and drafting of proposed Amendment to Article 11 of Real Property Tax Law to conform to Tyler v Hennepin; review all contracts signed by Greene County Legislative Chairman or his proxy; interpret insurance documents; review resolutions; draft resolutions; continuing review of General Municipal Law, Public Officer's Law, Real Property Tax Law, Local Finance Law, Executive Law, County Law and Municipal Home Rule as required on an ongoing basis; real estate purchases and conveyances; spearheaded SEQRA actions, as necessary; legal research and advice re: employment matters, departmental policies and procedures; document retention; attention to ADA requests for accommodations; investigate discrimination and/or misconduct and/or workplace violence complaints; attention to Greene Tobacco Asset Securitization Corporation issues including Public Authorities Accountability Act (PAAA) compliance; legal research relative to all claims against the County and assessment of risk, including correspondence and communication with insurance companies and the investigation and settlement of minor claims; attention to taxpayers complaints; attention to Notices of Claim for personal injuries; appear at 50-h hearings; prepare 2025 Cost Allocation Summary for Venesky & Company, auditors; prepare annual litigation audit; prepare 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
7. Create Council on the Arts
8. Greene County Emergency Medical Systems, Inc.
9. Mountain Top Historical Society

As earlier stated, I assist all insurance-appointed attorneys defending and representing Greene County and review and update policy statements and programs. I am the President of Greene County Tobacco Asset Securitization Corporation (TASC); and as such, I am responsible for monitoring bond performance, scheduling and attendance at annual meeting, electronic filing of required financial reports pursuant to Public Authorities Accountability Act (PAAA); conduct Greene County Workplace Violence Hazard Reduction Team meeting(s); provide legal research as requested or required to Administration and County departments; respond to general correspondence as required; appear and present at insurance indemnification company quarterly claims review; preparation of 2024/2025 Litigation Report/Annual Audit; review and submit unemployment benefit applications; ongoing legal research re: FOIL exceptions, review requests for proposals, bids and quotes for various departments; 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 Jason Fredenberg, Director of Community Services, with regard to AOT proceedings (6 in 2025), prepare AOT Petitions, Orders to Show Cause, Affirmations, Affidavits, proposed Orders and correspondences to Court and parties; prosecute AOT Petitions in County Court; attention to legal issues regarding production of documents, reports and subpoenas in accordance with Health Insurance Portability and Accountability Act (HIPAA) regulations and 45 CFR §164.512 exceptions; petitions and hearings; legal research and memoranda regarding release of all patient file materials under HIPAA; review contracts for independent contractors; respond to Mental Health records requests and subpoenas (55 Mental Health/Public Health Records requests in 2025) legal research and advice as to third party deposition subpoenas; prepare subpoenaed Greene County Mental Health practitioners (witnesses) for trial; appearances, review and advice on subpoenas; prepare and train all Mental Health providers as to Court testimony when needed; coordinated review of NYS SEQRA for the Community Services project;.

- To Probation: Prosecute Juvenile Delinquent and Adolescent Offenders; interface with probation officers with Juvenile Delinquent diversions, document demands or requests and civil lawsuits as well as other miscellaneous matters ensuing from public inquiry; legal research and advise on numerous legal matters; review department policies at the request of the director for compliance with the law; advise on personnel matters; review all departmental changes; review and respond to FOIL requests.

- To Public Defender's Office: Attention to subpoenas and FOIL requests; conflict advice; discussion(s) with attorneys re: sentencing; etc.; respond to all medical record requests and discuss with attorneys, re: conflicts, discovery, etc.

- To Public Health Department: The office of the County Attorney continues to review all contracts; review and advise as to proper insurance documentation; miscellaneous legal research; records retention; review and respond to all requests and subpoenas seeking Public Health records; miscellaneous advice as requested; review and respond to FOIL requests; review and respond to Early Intervention requests; involved in the re-writing of the Assignment and Assumption of Lease Agreement, Bill of Sale and Quitclaim Deed to the building² and not the land upon which it is situate pursuant to Federal mandate ,etc.

- To Real Property Tax Services: Review and negotiate PILOT agreements with the Director of Real Property Tax Services; review list of delinquent taxes; research and respond to legal issues as necessary, review deeds as to legal sufficiency when requested; review and discussions familiarizing the department with new legislation as requested; review and discuss new State Legislature affecting Real Property Tax Services.

- To Sheriff's Department: Legal advice to Sheriff's Department on a regular and ongoing basis; review and approve as to form of contracts; general legal research; attention to any and all civil matters which may arise; attention to any and all criminal matters with civil implications; handle vehicle insurance claims; handle property damage claims; accept calls from the field 7 days a week, 24 hours of the day, to provide legal advice as to any questions or matters arising from the Sheriff and/or his deputies; research and opine on garage liens and remedy(ies), research and respond to all information requests; oversight of indemnity representation of Sheriff Department; general advice to Sheriff, Undersheriff and supervisory personnel, as requested; review and respond to FOIL requests; review of all Sheriff's Sale

² Early Childhood Learning Center erected on Greene County property.

transfer documents for execution by Greene County Sheriff, etc.

- To Department of Social Services: Attention to Greene County Social Services' liens and mortgages; contract review and approval; insurance review and approval; review and facilitate subpoenas for County records and or personnel, advised Commissioner of Greene County Department of Social Services as to adoption proceedings, etc.

- To Soil & Water Conservation District: General legal advice; contract review, assistance in getting signature of landowner for project construction, etc.

- To Solid Waste Management: contract review and approval; insurance compliance review; attention to refuse removal agreements with various contractors; review incident reports and claims, etc.

- To The Treasurer's Office: Interface with Director of Taxes with regard to tax liens; serve as Greene Tobacco Asset Securitization Corporation President; review and execute all agreements and audits, attend annual Greene Tobacco Asset Securitization Corporation meetings; review and respond to FOIL request; PILOT payment review; representation in In Rem foreclosure proceedings; review of In Rem surplus funds claims; research estate claims; and assistance of unclaimed and surplus funds which escheat to New York State Department of Taxation and Finance. My office spearheaded a search for independent counsel to the newly elected Treasurer in his role as Public Administrator; numerous Court appearances on behalf of Treasurer prior to the engagement of new counsel, etc.

- To Weights and Measures: General legal advice; collection of any unpaid fee violations and fines due to the County;

- To Veteran's Service Agency: Contract review and approval; etc.