

2024 COUNTY ATTORNEY ANNUAL REPORT

As I embark on my twelfth (12) year as the County Attorney, I have come to realize that in addition to providing legal services to the County, my role has expanded to solving many problems before they can ripen into legal issues. As always, this summary shall be general in nature for reasons of confidentiality and practicality. Regardless of the complexity of any matter, I, and my staff, seek to minimize all liabilities associated with operations and administration of County Government. Simply put, I strive to maximize our assets while simultaneously reducing or eliminating our liabilities.

For the past eleven (11) years, I have represented Greene County in all civil litigation which was not defended by the indemnity insurance carrier. I work hand in hand with those indemnity attorneys, assisting in the development of case theories, defenses, discovery and trial participation. In 2024, I, along with an indemnity attorney, successfully defended the County in a significant personal injury lawsuit. My office has succeeded in collecting on all judgments and has collected significant revenue each year without negatively affecting the County's reputation and in full compliance with all State and Federal Laws.

Although my office has been successful to date, it still remains my goal to avoid the uncertainty and disruption of litigation; whenever possible.

I continue to maintain an open door policy with each and every department in an effort to train non-lawyers to identify potential irregularities that could result in liability to Greene County.

Myself, and my staff, spend a significant amount of time every day reviewing all Freedom of Information Law (FOIL) requests 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.

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

Services, Probation, Weights and Measures and the Sheriff's Department.

I am responsible for reviewing all County contracts submitted by all departments and to approve same where appropriate. If the contracts are not approvable as written, I make every effort to interface with the vendors in order to amend and/or modify the contractual language. I review all contracts, as to form; and with an eye towards content and accuracy. I train our department personnel regularly in contractual language and ever changing insurance requirements as necessary to protect the interests of the Greene County taxpayers. These efforts result in (a) continuing reduced claims profile; (b) fewer lawsuits; (c) reduction of economic losses; (d) zero outside legal fees; (e) zero collections fees; and (f) lower insurance premiums.

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 renewable energy PILOT agreements; providing legal advice to Real Property Tax Services, Civil Service compliance, 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, protest New York State Unemployment claims where appropriate and represent the County at Unemployment Insurance Hearings, Greene County Employee Incident Report review, 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 (AOT) Court proceedings, Freedom Of Information Law (FOIL) Information Officer, Economic Development Corporation Loan closings, if any, loan payoffs, mortgage satisfactions and associated research, UCC-1 lien filings, UCC-3 lien continuations and terminations, DMV lien releases and 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 Supreme Court, Appellate Division and Court of Appeals in the standard course of business. When successful, Greene County disposes of meritless lawsuits.

In 2024, the Office of the County Attorney handled the purchase of a parcel of

commercial land in the Town of Cairo to be used for the future development of the County Mental Health Offices.

This office negotiates settlements and remedies related to contractual disputes, in rem tax foreclosure matters and Medicaid liens. The New York State Department of Taxation and Finance declared a certain parcel of real property exempt from real property taxes claiming the 850 acres was state forest preserve land. In 2013, my office challenged the New York State Department of Taxation and Finance based on the fact that they had acquired the lands from the New York City Department of Environmental Protection (DEP). I demonstrated to Chief Counsel for New York State Department of Taxation and Finance that New York City DEP is barred from conveying any properties to any tax exempt entity, pursuant to the New York City Watershed Memorandum of Agreement dated January 21, 1997. The State was given two options: Give the land back to New York City or pay Town and County taxes. New York State agreed to pay arrears in the amount of \$144,000.00 and place the parcel back on the tax rolls bringing \$55,000.00 to the County on an annual basis in perpetuity.

In 2024, the Office of the Greene County Attorney collected:

- **\$6,000.00** from Prattsville Commons, which will continue each year until 2056, totaling **\$210,000.00**;
- **\$118,336.00** representing real estate conveyances to NYC DEP;
- **\$10,825.41** in collections on behalf the Greene County Economic Development Corporation;
- **\$5,395.00** in loan closing fees;
- **\$249,700.00** from Champlain Hudson Express;
- **\$887,024.00** in Opioid litigation funds;
- **\$3,686.71** in EpiPen litigation;
- **\$68,459.12** in unpaid real estate taxes on foreclosure and Sheriff's Sales;
- **\$1,314.00** related to encroachment of County real estate;

TOTAL ACCRUALS BENEFITING COUNTY TAXPAYERS: \$1,350,740.24

These figures do not include the value of income received from providing FOIL and medical record requests which totaled **\$1,920.25** in the year 2024.

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. Analyze and respond to 313 Freedom of Information Law requests, 25 subpoenas, related motions, related court appearances seeking production of County records and testimony in New York State and Federal Courts. My office also responded to and satisfied 98 requests directed to Greene County Mental Health and/or Greene County Public Health;
2. Legal research and legal advice;
3. Representation in litigation either as plaintiff or defendant (The Annual Audit Report, updated March 25, 2024, 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 222 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 (59 in 2024);
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 for reasonable accommodation pursuant to The Americans with Disabilities Act and participation in the interactive process;
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; etc.

- To Economic Development, Tourism & Planning: Review and approve of all contracts, draft loan modifications, mortgage satisfactions, and mortgage subordination agreements. 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 all legal documents for future Economic Development Corporation loan closings, including Loan Agreements, Microenterprise Grants, Security Agreements, Mortgages, Notes and Personal Guarantees; 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; 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; 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 Family Planning: General legal services; attention to contract review and opinions; review and satisfy Early Intervention medical requests; general legal counseling; potential litigation intervention and mitigation; review and comply with judicial subpoenas; advise as to patient(s) rights; 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 or avoidance thereof, 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; review, defense of unemployment compensation claims; preparation of Affidavits in an ongoing Article 78/ADA litigation, etc.

- 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 and New York Municipal Insurance Reciprocal (NYMIR) regarding defense and indemnification of current litigation; 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; settlement approvals and execute agreements re: Multi State Opioid litigation, 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: pharmaceutical litigation; monitor and review documents re: generic drug lawsuit; provide Napoli Skolnick with generic drug disclosure documents; comply with document demands re: generic drug lawsuit; inform elected officials as to the status of PFAA foam lawsuit; review of all contracts signed by Greene County Legislative Chairman; 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 and Municipal Home Rule as required on an ongoing basis; attention to lease renewals and real estate option agreements; real estate conveyances; 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 2024 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.

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 2023/2024 Litigation Report/Annual Audit; review and submit unemployment benefit applications and oppose where appropriate; 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 (5 in 2024), prepare AOT Petitions, Orders to Show Cause, Affirmations, Affidavits, proposed Orders and correspondences to Court and parties; attend AOT hearings; 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 (98 Mental Health/Public Health Records requests in 2024) 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.

- To Probation: Prosecute Juvenile Delinquent and Adolescent Offenders; interface with probation officers with Juvenile Delinquent diversions; 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; 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; successfully defended three (3) New York State Supreme Court lawsuits relating to Solar PILOT projects on behalf of the County and approval; legal research on Agricultural District application, etc.
- 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 transfer documents for execution by Greene County Sheriff, etc.
- To Department of Social Services: Meet with Greene County Department of Social Services Commissioner regarding 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.

- 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; research claims and estate claims; representation in in rem foreclosure proceedings; review and assistance of unclaimed and surplus funds which escheat to New York State Department of Taxation and Finance, etc.

- To Soil & Water Conservation District: General legal advice; contract review, 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.