



Sullivan County

County Legislature

Meeting Agenda - Final

100 North Street
Monticello, NY 12701

Chairman Robert Doherty
Vice Chairman Michael Brooks
Legislator Nadia Rajs
Legislator Nicholas Salomone Jr.
Legislator George Conklin
Legislator Luis Alvarez
Legislator Joseph Perrello
Legislator Ira Steingart
Legislator Alan J. Sorensen

Thursday, June 2, 2022

10:50 AM

Government Center

Call to Order and Pledge of Allegiance

Roll Call of Legislators

Reading of Special Meeting Notice

Resolutions

Authorize County Manager to Amend and Extend the Retainer Agreement with Roemer, Wallens, Gold and Mineaux LLP:

[ID-4661](#)

Attachments: [Sullivan, County 2022 - 2025](#)

Set Public Hearing 6/16/22 at 10:45AM by Amending Resolution 210-22by attaching the Public Hearing Notice and Schedule A

[ID-4662](#)

Attachments: [Schedule A segra Review](#)

Adjournment or Close

Sullivan County

Legislative Memorandum

File #: ID-4661

Agenda Date: 6/2/2022

Agenda #:

Narrative of Resolution:

Authorize County Manager to Amend and Extend the Retainer Agreement with Roemer, Wallens, Gold and Mineaux LLP:

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: Click or tap here to enter text.

Are funds already budgeted? Yes

Specify Compliance with Procurement Procedures:

**RESOLUTION INTRODUCED BY ROBERT A. DOHERTY, CHAIRMAN OF THE LEGISLATURE TO
AUTHORIZE THE COUNTY MANAGER TO AMEND AND EXTEND THE RETAINER AGREEMENT WITH
ROEMER WALLENS GOLD & MINEAUX LLP**

WHEREAS, Roemer Wallens Gold & Mineaux LLP (“RWGM”) provide services to the County of Sullivan (“County”) as labor relations attorney/consultants; and

WHEREAS, the original Agreement with RWGM commenced on April 1, 2015 and expired June 30, 2016; and

WHEREAS, the original Agreement with RWGM provided for an extension term through March 31, 2018; and

WHEREAS, Legislative Resolution No. 377-17 authorized a Retainer Agreement through March 31, 2020; and

WHEREAS, Legislative Resolution No. 81-20 authorized a Retainer Agreement through March 31, 2022 with the option of two additional one year extensions; and

WHEREAS, the County is conducting negotiations with the various unions in an effort to agree upon terms of new Collective Bargaining Agreements and it is best to have legal counsel in place throughout negotiations, and

WHEREAS, RWGM has agreed to continue to represent the County with an amended fixed monthly sum and amended hour rate as charged.

NOW, THEREFORE, BE IT RESOLVED, that the County Manager is hereby authorized to execute a Retainer Agreement with RWGM for a term of April 1, 2022 through March 31, 2025 in accordance with the attached agreement

BE IT FURTHER RESOLVED, the Retainer Agreement shall be in a form approved by the County Attorney.

AGREEMENT

Made and entered into this ____ day of April, 2022, by and between the **COUNTY OF SULLIVAN**, by and through its Legislature, with its offices located at County Government Center, 100 North Street, Monticello, New York 12701, hereinafter referred to as the “**COUNTY**,” and **ROEMER WALLENS GOLD & MINEAUX LLP**, Labor Relations Attorneys and Consultants, with its principal place of business located at 13 Columbia Circle, Albany, New York 12203, hereinafter referred to as “**ROEMER WALLENS GOLD & MINEAUX**.”

1. The **COUNTY** hereby retains and employs **ROEMER WALLENS GOLD & MINEAUX** as its Labor Relations Attorneys and Consultants to provide to the **COUNTY** the following professional services for the period of time hereinafter designated.

- (a) Comprehensive negotiating services as exemplified in Exhibit “A” which is attached hereto and made a part hereof (including impasse representation at fact-finding and interest arbitration, if necessary) for each of the following collective bargaining units in which terms and conditions of employment for the **COUNTY** and its employees are negotiated:

- i) Sheriff’s Department Road Patrol Unit (SCPBA)
- ii) Sheriff’s Department Correction Unit (CSEA)
- iii) Public Works Department – Rank and File (LIU Local 17)
- iv) Public Works Department – Supervisory (IBT Local 445)
- v) Nurses (NYSNA)
- vi) Main County Unit (IBT Local 445)

- (b) Consultations and advice regarding the **COUNTY’S** rights and liabilities in connection with:

- i) Civil Service Law
- ii) Taylor law
- iii) Fair Labor Standards Act
- iv) Public Officers Law
- v) Freedom of Information Law
- vi) Unemployment Insurance Law
- vii) Workers’ Compensation Law
- viii) Human Rights/Discrimination
- ix) Sexual Harassment Investigations
- x) Disability Benefits
- xi) Contract Administration and Enforcement
- xii) Grievances Filed Against Employer
- xiii) Employee Discipline Matters
- xiv) Work Rules
- xv) Layoff Procedures
- xvi) General Municipal Law
- xvii) Americans With Disabilities Act
- xviii) Family and Medical Leave Act
- xix) Omnibus Transportation Employee Testing Act of 1991 (CDL Drug Testing)

- xx) Pregnancy Discrimination Act
 - xxi) Appointment of Non-Unionized Employees and related matters
 - xxii) Such other laws, rules and regulations as may apply to the field of labor relations and personnel administration
- (c) Advice and representation in connection with:
- i) Initial steps of contract grievance procedure
 - ii) Pre-hearing matters before the Public Employment Relations Board (Improper Practice Charges, Managerial/Confidential Petitions, and Union representation challenges), including the preparation of pleadings (other than documents prepared in lieu of a hearing) and attendance at all pre-hearing conferences. Hearing preparation and settlement negotiations which lead to a settlement without a hearing are covered by paragraph 2 below.
 - iii) Attendance at relevant Labor/Management meetings and meetings of the Legislative body and committees thereof
- (d) Employee Counseling and Preparation of Discipline Charges.
- (e) Management and supervisory training in connection with employee corrective action, contract administration and other topics agreed upon by the parties in an amount not to exceed four (4) days per calendar year.
- (f) Periodic printed reports containing relevant information regarding public sector labor relations as obtained from Public Employment Relations Board decisions, New York State Court decisions, relevant Administrative agency decisions and other similar sources.

2. **ROEMER WALLENS GOLD & MINEAUX** hereby agrees that it will provide the **COUNTY**, as requested by the **COUNTY**, with those services not specifically covered by this Agreement, such as negotiating settlements of disciplinary matters, grievances and other matters upon request, representation at the final step in administrative disciplinary proceedings against employees, representation at the final step in contract grievance proceedings, representation at hearings before the Public Employment Relations Board, including the preparation of documents prepared in lieu of a hearing, hearing preparation and settlement negotiations, as well as representation in labor related litigation in New York and Federal Courts at the following rates:

- Partner and Senior Associate Attorney
In years 2022 and 2023, the hourly rate will be \$260.00.
In years 2024 and 2025, the hourly rate will be \$270.00.
- Associate Attorney
In years 2022 and 2023, the hourly rate will be \$220.00.
In years 2024 and 2025, the hourly rate will be \$230.00.
- Paralegal
In years 2022 and 2023, the hourly rate will be \$135.00.
In years 2024 and 2025, the hourly rate will be \$140.00.

The foregoing shall be exclusive of normal disbursements.

3. The **COUNTY** and **ROEMER WALLENS GOLD & MINEAUX** agree that those representatives of **ROEMER WALLENS GOLD & MINEAUX** who perform services pursuant to this Agreement shall be approved in advance by the **COUNTY**.

4. That in consideration of the foregoing, the **COUNTY** hereby agrees to compensate **ROEMER WALLENS GOLD & MINEAUX** (inclusive of normal disbursements) as follows:

- a) Six Thousand Dollars (\$6,000.00) per month from April 1, 2022 through March 31, 2023.
- b) Six Thousand Two Hundred Dollars (\$6,200.00) per month from April 1, 2023 through March 31, 2024.
- c) Six Thousand Four Hundred Dollars (\$6,400.00) per month from April 1, 2024 through March 31, 2025.

5. In accordance with our records retention policy, **ROEMER WALLENS GOLD & MINEAUX** will maintain all documents, papers and other items relating to our representation of the **COUNTY** pursuant to this retainer agreement (the "Records") for a period of four (4) years from the date **ROEMER WALLENS GOLD & MINEAUX** ceases providing the **COUNTY** with legal services hereunder. If the **COUNTY** desires to maintain the Records beyond that date, the **COUNTY** will need to retain its own copies or request the Records in writing before the end of the four (4) year period. After that time, all of the Records will be destroyed.

6. The term of this Agreement shall be from April 1, 2022, through March 31, 2025. The **COUNTY** may terminate this Agreement earlier than March 31, 2025, upon thirty (30) days' written notice from the **COUNTY** to **ROEMER WALLENS GOLD & MINEAUX**.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.

COUNTY OF SULLIVAN

By: _____
Joshua A. Potosek, County Manager

ROEMER WALLENS GOLD & MINEAUX LLP

By: _____
James W. Roemer, Jr.

EXHIBIT “A”

NEGOTIATION SERVICES

A. Preparation for Negotiations

The need for thorough preparation prior to the commencement of actual bargaining is often overlooked. **ROEMER WALLENS GOLD & MINEAUX** believes that preparation is a key element in assuring a successful outcome to the negotiation process.

Preparation includes:

- Reviewing the existing contract and offering advice regarding suggested modifications
- Reviewing the existing work rules and practices
- Reviewing grievances filed and arbitration decisions
- Reviewing the demands presented by both Union and Management in the last negotiations
- Reviewing the history of other benefit changes over the past six years
- Reviewing the most recent settlements in similarly situated jurisdictions
- Meeting with first line supervisors to ascertain their needs - both changes to the existing contract, as well as the needed additions to the contract
- Meeting with senior officials to determine their needs and review the findings resulting from meetings with line supervisors

B. Preparation of Demands

This phase of the process is flexible and is adapted to the needs of each jurisdiction. Generally, **ROEMER WALLENS GOLD & MINEAUX** recommends that Labor Counsel prepare suggested demands and that those demands be reviewed by the **COUNTY** and modified to suit your needs.

C. Selection of Negotiating Team

ROEMER WALLENS GOLD & MINEAUX recommends that a cross-section of management representatives be appointed to the negotiating team so that the entire negotiating process can be “felt” at all levels of management. Managers appreciate the process to a much greater degree if they know and trust those who were directly involved.

D. Participation in Negotiations

The negotiations are made much easier by careful planning and research as typified in “A”, “B”, and “C” above. **ROEMER WALLENS GOLD & MINEAUX** will participate fully in all phases of negotiations including renegotiation preparatory sessions, face-to-face meetings at the bargaining table, management caucuses, and, if necessary, the impasse process. **ROEMER WALLENS GOLD & MINEAUX** will maintain a detailed record of the negotiations for use in future proceedings. Our services include representation through the impasse procedure.

E. Communications

Meetings with key management personnel will be scheduled throughout the negotiating process to inform them of progress in the negotiations and to recommend position modifications.

F. Drafting the Contract

All changes agreed upon in the negotiations process will be reduced to contract language which accurately reflects the agreement and is readily understood by Union and Management representatives, as well as those important persons not present at the bargaining table such as arbitrators.

G. Ratification

After a tentative agreement has been entered into, it must be presented to and approved by the appropriate Legislative body. **ROEMER WALLENS GOLD & MINEAUX** will appear before such body and make all necessary presentations to explain the proposed agreement.

H. Conduct Management Information Sessions

At the conclusion of negotiations it is extremely important that all changes be identified and explained to supervisors and managers. General information on reasons for the changes or failure to achieve desired changes must be explained so that managers are fully supportive of the new contract.



Sullivan County

Legislative Memorandum

100 North Street
Monticello, NY 12701

File #: ID-4662

Agenda Date: 6/2/2022

Agenda #:

Narrative of Resolution:

Set Public Hearing 6/16/22 at 10:45AM by Amending Resolution 210-22

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: n/a

Are funds already budgeted? Choose an item.

Specify Compliance with Procurement Procedures:

RESOLUTION INTRODUCED BY ROBERT A. DOHERTY, CHAIRMAN OF THE LEGISLATURE TO AMEND RESOLUTION 210-22 TO AUTHORIZE A PUBLIC HEARING FOR THE ADOPTION OF THE STATE ENVIRONMENTAL QUALITY REVIEW SHORT ENVIRONMENTAL ASSESSMENT FORM FOR AGRICULTURAL DISTRICTS

WHEREAS, the Agricultural Districts Law, Article 25-AA of the Agriculture and Markets Law establishes a process by which county legislative bodies may create, review, modify, consolidate, or terminate Agricultural Districts throughout the State, which the Commissioner of the New York State Department of Agriculture and Markets (“AGM”) then certifies, and

WHEREAS, the Department of Environmental Conservation (“DEC”) has determined that the creation, modification, consolidation, termination, and certification of an Agricultural District are all actions subject to review pursuant to the State Environmental Quality Review Act (“SEQRA”), and

WHEREAS, AGM and the Sullivan County Legislature (“Legislature”) wish to cooperate to the fullest extent to reduce duplication of efforts consistent with SEQRA and the Agricultural Districts Law, and

WHEREAS, AGM has recommended that the Legislature adopt the State Environmental Quality Review Short Environmental Assessment Form for Agricultural Districts, attached hereto as Schedule A and made a part hereof, and

WHEREAS, prior to authorizing the adoption of the State Environmental Quality Review Short Environmental Assessment Form for Agricultural Districts it is necessary to conduct a public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Sullivan County Legislature does hereby authorize holding a public hearing on Thursday, June 19, 2022 at 10:XXam in the Chambers at the Sullivan County Government Center, 100 North Street, Monticello, New York regarding the adoption of the State Environmental Quality Review Short Environmental Assessment Form for Agricultural Districts, and

BE IT FURTHER RESOLVED, that the Clerk to the Legislature is hereby authorized and directed to publish a notice of such public hearing in the official newspapers of the County.

**COUNTY OF SULLIVAN
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Sullivan County Legislature on Thursday, June 16, 2022 at 10:45am in the Legislative Hearing Room of the Sullivan County Government Center, Monticello, New York to consider the adoption of the State Environmental Quality Review Short Environmental Assessment Form for Agricultural Districts.

June 2, 2022

AnnMarie Martin
Clerk to the Legislature
Sullivan County, New York



**STATE ENVIRONMENTAL QUALITY REVIEW
SHORT ENVIRONMENTAL ASSESSMENT FORM
FOR AGRICULTURAL DISTRICTS**

UNLISTED ACTIONS ONLY

Please indicate lead agency status by checking the appropriate box below:

☐ The proposed action is within the scope of a cooperative agreement between the undersigned County Legislative Body ("CLB") and the Department of Agriculture and Markets ("Department"), the only other agency required to undertake an action in this case. Therefore, the undersigned CLB will serve as lead agency for the proposed action to ensure compliance with the requirements of the State Environmental Quality Review Act, and is undertaking a coordinated review of the proposed action with the Department pursuant to 6 NYCRR §617.6(b)(3).

☐ The proposed action is not within the scope of a cooperative agreement between an applicable CLB and the Department. The agency that will serve as Lead Agency is the undersigned CLB, and is undertaking a coordinated review of the proposed action with the Department pursuant to 6 NYCRR §617.6(b)(3).

Part 1 – Project and Sponsor Information

1. The proposed action is located in the County of _____ and the Town(s) of _____.
2. The agency responsible for preparing this Short Environmental Assessment Form and determining environmental significance is the CLB of _____ County.
3. The name, address, and e-mail address for the Clerk of the above named CLB is:

_____.
4. Does the proposed action only involve the modification, consolidation or termination of a county-adopted, State-certified agricultural district by the CLB pursuant to Agriculture and Markets Law (AML) §§303-a, 303-b or 303-c? ☐ Yes ☐ No

If Yes, attach a narrative description (including a location map) of the intent of the proposed action and the environmental resources that may be affected in the County. If No, this form should not be used to evaluate the potential environmental impacts of the proposed action.

5. Is this an action proposed to modify an existing agricultural district? ☐ Yes ☐ No

If Yes, total number of acres comprising the agricultural district as it exists prior to modification: _____ acres.

**Short Environmental Assessment Form
New York State Department of Agriculture and Markets**

6. If this proposed action involves a modification, will such modification result in a change in the size of the agricultural district? ☐ Yes ☐ No

- If yes, how many acres are involved in the change? _____ acres
- Does this represent ☐ an increase or ☐ a decrease?

7. Check all present land uses that occur on, adjoining, and near the proposed action?

☐ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other

If Other, please describe: _____

8. Information on Coastal Resources. Is the action located within, or have a significant effect on:

- A Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ☐ No
- A Coastal Erosion Hazard Area? ☐ Yes ☐ No
- A community with an approved Local Waterfront Revitalization Program? ☐ Yes ☐ No

If Yes, please identify the affected community or communities: _____

9. Information on Local Agricultural and Farmland Protection Plans

- Is the action compatible with the County's Agricultural & Farmland Protection Plan? ☐ Yes ☐ No

If Yes, date of Plan approval: _____

If Yes, please cite the applicable language: _____

10. Comments from Municipalities within the County

- Did the CLB receive any comments from municipalities about the addition or removal of land from the agricultural district? ☐ Yes ☐ No

If Yes, please briefly summarize the comments: _____

11. Attach any additional information as may be needed to clarify the proposed action.

I AFFIRM AND CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE
BEST OF MY KNOWLEDGE

Name of Person

Authorized to Sign: _____ **Date:** _____

Signature: _____ **Title:** _____

Short Environmental Assessment Form
New York State Department of Agriculture and Markets

Part 2: Impact Assessment

Part 2 is to be completed by the County Legislative Body ("CLB") as Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted to the CLB for the proposed modification, consolidation or termination of a county-adopted, State-certified agricultural district or otherwise available to the reviewer.

In providing responses to each of the questions, the reviewer should keep in mind that the action proposed is the modification, consolidation or termination of an agricultural district(s). The action is not the land use or activity which will, or may, take place in the district(s). For example, it is not appropriate to consider the effects of management actions that may be taken by individual operators in conducting farming. Agricultural farm management practices, including construction, maintenance and repair of farm buildings, and land use changes consistent with generally accepted principles of farming are listed as Type II actions in 6 NYCRR §617.5(c)(3), and these actions have been determined not to have a significant impact on the environment.

	None to small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and fail to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form
New York State Department of Agriculture and Markets

Part 3: Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur,” or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)