
AGENDA OF THE SCHUYLER COUNTY LEGISLATURE
SPECIAL MEETING – SEPTEMBER 8, 2021

Meetings of this Legislature are open and public but, unless otherwise published, are not Public Hearings permitting public participation. Members of the public are requested to respect this rule, affording others an opportunity to hear and observe legislative deliberations and decisions. "a time for public comment will be allowed after the opening of the official session for up to a thirty-minute period of time and at the completion of the agenda, for up to a fifteen-minute period of time." (per Resolution No. 39-1983). With regard to questions, to avoid faulty information, any questions deemed to be unanswerable shall be submitted in writing and answered as soon as possible. Remember, this is supposed to be a discussion time for the public to give their views of what is happening in county government.

"To make this meeting more comfortable to you, the Schuyler County Legislature should be aware of your physical, visual or hearing problems before the meeting."

1. Meeting called to order by Chairman Blowers at 9:00 A.M.
2. Pledge of Allegiance led by Legislator Barnes.
3. Moment of Silence.
4. Roll Call.
5. Public Participation (30 minutes).

Intro. No.	Res. No. 232	RATIFICATION OF SPECIAL MEETING
Motion by	Second by	Vote:
		Noes:

Intro. No. 1	Res. No.	AUTHORIZE AND APPROVE SETTLEMENT AND SHARING AGREEMENTS RELATED TO AN ACTION RELATING TO THE OPIOID CRISIS — COUNTY ATTORNEY’S DEPARTMENT
Motion by	Second by	Vote:
		Noes:

6. Public Participation (15 minutes).
7. Meeting adjourned at _____ A.M.
Stacy B. Husted, Clerk

Resolution No. 232
SCHUYLER COUNTY LEGISLATURE

Special Meeting
September 8, 2021

Intro. No. _____
Approved by Committee _____
Approved by Co. Atty. SJG

Motion by _____
Seconded by _____
Vote: ____ Ayes to ____ Noes
Name of Noes _____

RE: RATIFICATION OF SPECIAL MEETING

BE IT RESOLVED, that this Special Meeting, pursuant to the call of the Clerk of the Legislature upon the direction of the Chairman, be and hereby is, ratified and approved for discussion and action upon the following items of business:

1. AUTHORIZE AND APPROVE SETTLEMENT AND SHARING AGREEMENTS RELATED TO AN ACTION RELATING TO THE OPIOID CRISIS — COUNTY ATTORNEY'S DEPARTMENT

Resolution No.
SCHUYLER COUNTY LEGISLATURE

Special Meeting
September 8, 2021

Intro. No. 1
Approved by Committee PCB
Approved by Co. Atty. SJG

Motion by _____
Seconded by _____
Vote: ___ Ayes to ___ Noes
Name of Noes _____

RE: AUTHORIZE AND APPROVE SETTLEMENT AND SHARING AGREEMENTS RELATED TO AN ACTION RELATING TO THE OPIOID CRISIS — COUNTY ATTORNEY’S DEPARTMENT

WHEREAS, the Legislature, by Resolution No. 246-17 authorized the Schuyler County Attorney to work with Napoli Shkolnik PLLC, as special counsel, related to bringing an action against the manufacturers and distributors of prescription opiates for damages to the county, at no cost to the County, and

WHEREAS, by Resolution No. 72 of 2018, the County enacted Local Law Intro. B/Local Law No. 7 of the Year 2018 entitled “A Local Law Declaring the Opioid Epidemic and Its Effect on the County a Public Nuisance and Establishing a Cost Recovery Procedure,” and

WHEREAS, pursuant to the above, the County Attorney filed a nearly 250-page Summons and Complaint on May 11, 2018 against manufacturers and distributors of prescription opiates for damages to the County, and such matter remains pending (the “Action”), and

WHEREAS, the Action is against multiple defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies, and

WHEREAS, the Action alleges several causes of action against defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceuticals, Inc. (“J & J”) based on claims that J & J contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various “front groups” and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in the County, and

WHEREAS, the State of New York and certain other New York subdivisions are also engaged in litigation seeking to hold Opioid Supply Chain Participants accountable for the damage caused by their alleged misfeasance, nonfeasance, and malfeasance, and

WHEREAS, the State of New York and the New York subdivisions share a common desire to abate and alleviate the impacts of the alleged misfeasance, nonfeasance, and malfeasance of the Opioid Supply Chain Participants throughout the State of New York, and

WHEREAS, J&J will pay to the State and its subdivisions a total of approximately \$229.8 million, with payments to be divided into base and incentive payments, and

WHEREAS, J & J has offered to settle the claims of the County against it by paying the sum of between approximately \$51,893.44 and \$121,107.00 over ten (10) years to be used for restitution and abatement and by J&J agreeing to not manufacture, sell or promote opioids, with all of Napoli Shkolnik LLC’s attorney fees, costs and expenses to be paid directly by J&J out of separate funds, and

WHEREAS, there is a “most favored nation” provision in the documents in the event a final National Settlement provides for a larger recovery from J&J than this agreement, pursuant to which New York State will receive the difference and it will be allocated directly to Schuyler County under the terms of the Sharing Agreement, and

WHEREAS, the County Attorney and Napoli Shkolnik LLC’s have approved as to form the settlement agreement and release and sharing agreements (“Agreements”), consisting of the New York Subdivision Election and Release Form and New York Opioid Settlement Sharing Agreement, and

WHEREAS, settlement funds may be used for a variety and restricted and unrestricted purposes, including supporting law enforcement and first responders, treating opioid use disorder, addressing the needs of pregnant women and their families, preventing misuse of opioids, preventing overdose deaths and other harms, and related efforts, and

WHEREAS, it is in the best interest of the County to resolve this matter with respect to J & J without further litigation and enter into the proposed Agreement as it shall settle all allegations against J & J and avoid protracted litigation and provide county revenue as noted above, and

WHEREAS, this settlement is without prejudice to litigation against other defendants in the Action, which litigation remains pending.

NOW, THEREFORE BE IT RESOLVED, that the execution and delivery on behalf of and in the name of the County of Schuyler by the Schuyler County Attorney, or his designee, of the proposed Agreements is hereby authorized, and the Schuyler County Attorney or his designee, is hereby authorized and directed to execute the proposed Agreements and execute such other documents as may be necessary and appropriate to effectuate the settlement with J & J as set forth above.