

OFFICIAL RECORD

Lockport, New York
September 13, 2021

The meeting was called to order by Chairman Wydysh at 6:25 p.m.

Clerk Moran called the roll. All Legislators were present with the exception of Legislators Godfrey, Hill, Nemi and Virtuoso.

Resolution No. AD-011-21

From: Administration Committee.

Dated: September 21, 2021

CREATE AND FILL TEMPORARY COURIER-MAIL CLERK POSITION

WHEREAS, the Niagara County Mailroom is staffed by a full-time Courier-Mail Clerk position which provides vital courier and mail services for Niagara County and the Niagara County Courthouse facility, and

WHEREAS, due to an unforeseen and extended medical leave of absence of the full-time Courier-Mail Clerk, and

WHEREAS, the Clerk of the Legislature has determined that in order to provide effective courier and mail services that a temporary full-time Courier-Mail Clerk position is required, now, therefore, be it

RESOLVED, that one (1) full-time Courier-Mail Clerk position at the rate of \$17.50 per hour be created effective immediately for the duration of the aforementioned unforeseen and extended medical leave of absence.

Moved by Bradt, seconded by Gooch.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Godfrey, Hill, Nemi, Virtuoso.

Resolution CSS-082-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION AND AWARD OF ROOF TOP UNIT INSTALLATION BID**

WHEREAS, the Sheriff's Office is obligated to provide heat to all persons in custody of the Niagara County Sheriff, and

WHEREAS, the Boilers in Building One of the Niagara County Jail have broken, which provide heat for part of the jail, forensic lab, criminal investigation, road patrol and other divisions, and

WHEREAS, the boilers must be fixed immediately to ensure that the Sheriff's Office is in compliance with the heating mandate, and

WHEREAS, the Sheriff's Office, with the contracted assistance of LiRo Engineering, has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the Bid EPN 2111 NCCF RTU Replacement, and

WHEREAS, the following bids were publicly opened and read by our Engineering Department as tabulated below:

1.	Parise Mechanical Inc	\$109,000
2.	J. W. Danforth	\$128,700
3.	Mollenberg-Betz, Inc	\$130,800

and

WHEREAS, there are funds available in Capital Project H728 Sheriff Boiler Replace Building #1 which needs to be supplemented, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the contract for the NCCF RTU Replacement project be awarded to the lowest responsible bidder, Parise Mechanical Inc. 1106 Sheridan Drive, Tonawanda, New York 14150, in the amount of \$109,000, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents, and be it further

RESOLVED, that the following budget modifications be made:

INCREASE APPROPRIATED FUND BALANCE:

AH 40511.00	Appropriated Fund Balance	\$45,000
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INCREASE APPROPRIATIONS:

AH.07.9950.000 79010.00	Transfer to Capital Construction	\$45,000
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INCREASE ESTIMATED REVENUE:

H728.17.3197.000 45031.10	Interfund Transfers – From Capital Reserve	\$45,000
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INCREASE APPROPRIATIONS

H728.17.3197.000 72200.01	Sheriff Boiler Replace Building #1 Building Improvement	\$45,000
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Moved by Syracuse, seconded by Mullane.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Godfrey, Hill, Nemi, Virtuoso.

Resolution CSS-083-21

From: Community Safety & Security and Administration Committees.

Dated: September 21, 2021

BUDGET MODIFICATION - AUTOPSY EXPENSES

WHEREAS, The Erie County Medical Examiner's Office performs forensic autopsies including toxicology for Niagara County for deaths meeting the criteria contained in County Law 673, and

WHEREAS, as a result of COVID-19 and the increase in prices established in the 2021 contract with the Erie

County Medical Examiner's Office, the invoices being generated will create outstanding expenses for this current year, and

WHEREAS, based on current autopsy expenses, additional funds will be required to pay invoices from September 2021 to December 2021, and

WHEREAS, the County is responsible for 100% of these costs, and

WHEREAS, the Niagara County Coroner's Office administers payment of these bills on behalf of the County, now, therefore, be it

RESOLVED, the 2021 budget be modified as follows:

INCREASE REVENUE:

A.01.1185.000 44089.07	ARPA State/Local Rec Fund	\$ 160,000
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INCREASE APPROPRIATION:

A.01.1185.000 74650.04	Services, Professional Autopsy	\$ 160,000
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Moved by Syracuse, seconded by Mullane.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Godfrey, Hill, Nemi, Virtuoso.

Resolution CW-010-21

From: Committee of the Whole.

Dated: September 21, 2021

**RESOLUTION AUTHORIZING AND
APPROVING A SETTLEMENT AGREEMENT
TO AN ACTION RELATING TO THE OPIOID CRISIS
(J&J)**

WHEREAS, there is pending a matter on behalf of the County of Niagara regarding the opioid addiction crisis, in which the County of Niagara is a named plaintiff in the action (the "Action"), and

WHEREAS, the Action is against several 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 Pharmaceutica, 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 of Niagara, and

WHEREAS, J & J has offered to settle the claims of the County of Niagara against it by paying the sum of between approximately \$851,450.62 and 41,987,094.45 over ten (10) years to be used for restitution and abatement and agreeing to not manufacture, sell or promote opioids, and

WHEREAS, the County of Niagara has approved a settlement agreement and release ("Agreement"), and

WHEREAS, it is in the best interest of the County of Niagara 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, now, therefore, be it

RESOLVED, that the execution and delivery on behalf of and in the name of the County of Niagara by the Chairman of the Niagara County Legislature, Rebecca J. Wydysh, or her designee, of the proposed Agreement is hereby authorized, and the County of Niagara by the Chairman of the Niagara County Legislature, Rebecca J. Wydysh, or her designee, is hereby authorized, subject to the approval of the County Attorney, Claude A. Joerg, and directed to execute the proposed Agreement in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate the settlement with J & J, and be it further Moved by Gooch, seconded by Steed.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Godfrey, Hill, Nemi, Virtuoso.

Resolution CW-011-21

From: Committee of the Whole.

Dated: September 21, 2021

**RESOLUTION AUTHORIZING AND
APPROVING A SETTLEMENT AGREEMENT
TO AN ACTION RELATING TO THE OPIOID CRISIS
(MCKESSON, CARDINAL HEALTH, AMERISOURCE, ET AL)**

WHEREAS, there is pending the matter on behalf of the County of Niagara, regarding the opioid addiction crisis, in which the County of Niagara is the named plaintiff in the action (the “Action”); and

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

WHEREAS, the Action alleges several causes of action against defendants McKesson Corporation, Cardinal Health, Inc., Amerisource Bergen Drug Corporation, PSS World Medical, Inc., Kinray, LLC, Bellco Drug Corporation, and American Medical Distributors, Inc. (the “Distributors”) based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others in Suffolk County, all of which contributed to a public health crisis in Niagara County, and

WHEREAS, the Distributors have offered to settle the claims of Niagara County against them over eighteen (18) years and agreeing to implement injunctive relief under a controlled substance monitoring program, and

WHEREAS, the County of Niagara has approved a settlement agreement and release (“Agreement”), and

WHEREAS, it is in the best interest of the County of Niagara to resolve this matter with respect to the Distributors without further litigation and enter into the proposed Agreement as it shall settle all allegations against the Distributors and avoid protracted litigation, now, therefore, be it

RESOLVED, that the execution and delivery on behalf of and in the name of the County of Niagara by the Chairman of the Niagara County Legislature, Rebecca J. Wydysh, or her designee, of the proposed Agreement is hereby authorized, and the Chairman of the Niagara County Legislature, Rebecca J. Wydysh, or her designee, is hereby authorized, subject to the approval of the Niagara County Attorney, Claude A. Joerg, and directed to execute the proposed Agreement in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors; and be it further Moved by Myers, seconded by Robins.

Adopted. 11 Ayes, 0 Noes, 4 Absent – Godfrey, Hill, Nemi, Virtuoso.

Moved by Myers, seconded by Grozio that the Board adjourn.

The Chairman declared the Board adjourned 6:40 p.m., subject to the call of the Clerk.

Alysa T. Moran

Alysa T. Moran, Clerk