

**SENECA COUNTY  
BOARD OF SUPERVISORS**

Special Board Meeting  
August 24, 2021

Call to Order

Chairman Hayssen called the meeting to order at 7:37 p.m.

Roll Call of Members by the Clerk

Thirteen members of the Seneca County Board of Supervisors answered roll call. Sprvr. Borst was not present.

Pledge of Allegiance and Moment Of Silence

Presentations

None

Petitioners

None

Open Privilege of the Floor

None

Approval of Meeting Minutes

None

Reports of Standing Committees

None

Report of Special Committees

None

Chairman's Remarks

None

County Manager's Remarks

None

County Attorney's Remarks

County Attorney Ettman drafted a resolution to authorizing a settlement agreement regarding the opioid crisis. It will be introduced under Rule 29.

Communications

None

RESOLUTIONS & MOTIONS

**AUTHORIZE SOLICITATION OF BIDS FOR DEMOLITION OF FORMER STEAM PLANT  
AND CONSTRUCTION OF NEW SITE AMENITIES AT THE SAMPSON VETERANS  
MEMORIAL CEMETERY**

RESOLUTION NO. 180-21, moved by Sprvr. Trout, second by Sprvr. Garlick Lorenzetti and adopted.

**SENECA COUNTY  
BOARD OF SUPERVISORS**

Special Board Meeting  
August 24, 2021

WHEREAS, the Sampson Veterans Memorial Cemetery (SVMC) is owned and operated by Seneca County as a municipal cemetery to honor the memory of veterans who have made personal sacrifices in the service of their country; and

WHEREAS, A \$900,000 State and Municipal Facilities Program (SAM) grant has been awarded which will be administered by the Dormitory Authority of the State of New York (DASNY) to support capital improvements at the former Steam Plant facility at the SVMC; and

WHEREAS, this grant program requires no match from Seneca County; and

WHEREAS, by Resolution No. 252.2020, the Seneca County Board of Supervisors selected PLAN Architecture to serve as the architectural and engineering firm for this project; and

WHEREAS, the Public Works Committee reviewed and approved this resolution at its August, 24 2021 Meeting; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors hereby authorizes and directs the County Manager to prepare and solicit bids for construction services to demolish the former Steam Plant Structure at the Sampson Veterans Memorial Cemetery and to undertake site improvements in this immediate vicinity.

**BOARD OF SUPERVISORS APPROVES LEASE WITH**

**NYS POLICE FOR USE OF THE SENECA COUNTY FIRE TRAINING CENTER**

RESOLUTION NO. 181-21, moved by Sprvr. Brownell, second by Sprvr. Cleere and adopted.

WHEREAS, the New York State Police have requested the opportunity to lease space at the Seneca County Fire Training Center in Romulus to be used as their police substation and training facility; and

WHEREAS, the New York State Police have been using this space for many years and previously had a lease agreement with the Seneca County Industrial Development Agency; and

WHEREAS, in lieu of a fee, the New York State Police will pay for all utilities (electric, gas, telephone) and shall be solely responsible for maintaining all utility services throughout the duration of the lease; and

WHEREAS, this resolution has been reviewed and approved by the Public Safety Standing Committee at its meeting on August 24, 2021; now, therefore be it

RESOLVED, that the Seneca County Board of Supervisors authorizes and directs the Chairman of the Board of Supervisors to execute a three (3) year lease with the New York State Police for the use of the Seneca County Fire Training Center in Romulus to be used as their police substation and training facility.

**SENECA COUNTY  
BOARD OF SUPERVISORS**

Special Board Meeting  
August 24, 2021

Unfinished Business

County Attorney Ettman advised the Board that he had discussions with the legal counsel for the traditional Cayuga Nation, and with that he is seeking an executive session to discuss possible litigation with and to resolve the BIA letter.

Executive Session: Sprvr. Lott offered a motion, second by Sprvr. Garlick Lorenzetti, and carried to enter executive session, with the county attorney and county manger prior to the adjournment of this meeting.

New Business

Rule 29 failed: Sprvr. Garlick Lorenzetti offered a motion, second by Sprvr. Barnhart and defeated having not received the required 2/3 majority vote of supervisors present which is 466 ayes. A roll call vote was requested. The motion for Rule 29 failed by 412 ayes (Garlick Lorenzetti, Barnhart, Reynolds, Ferrara, Kronenwetter, Lott, Hayssen); and 279 nays (Brownell, Hayes, McGreevy, Trout, Cleere, Enslow) and 52 not present (Borst).

Rule 29: Sprvr. Enslow offered a motion, second by Sprvr. Garlick Lorenzetti, and carried to introduce the following resolution which was not reviewed by the appropriate standing committee.

**RESOLUTION OF THE SENECA COUNTY BOARD OF SUPERVISORS  
AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT TO AN ACTION  
RELATING TO THE OPIOID CRISIS**

RESOLUTION NO. 182-21, moved by Sprvr. Enslow, second by Sprvr. Garlick Lorenzetti and adopted.

WHEREAS, there is pending the matter of County of Suffolk v. Purdue Pharma L.P., et al., under Index No. 400001/2017 in the Supreme Court, Suffolk County, regarding the opioid addiction crisis, in which the County of Seneca 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 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 Seneca County; and

WHEREAS, J & J has offered to settle the County of Seneca’s claims against it by paying the

**SENECA COUNTY  
BOARD OF SUPERVISORS**

Special Board Meeting  
August 24, 2021

sum of between approximately Ninety-Six Thousand Three Hundred Ninety-Eight Dollars and Thirty-One Cents (\$96,398.31) and Two Hundred Twenty-Four Thousand Nine Hundred Seventy-One Dollars and Ninety-Nine Cents (\$224,971.99) over ten (10) years to be used for restitution and abatement and agreeing to not manufacture, sell or promote opioids; and

WHEREAS, the Department of Law has approved a settlement agreement and release (“Agreement”) and the Agreement is attached hereto as Exhibit “A”; and

WHEREAS, it is in the best interest of the County of Seneca 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

1<sup>st</sup> RESOLVED, that the execution and delivery on behalf of and in the name of the County of Seneca by the Chairman of the Seneca County Board of Supervisors, or his designee, of the proposed Agreement attached hereto as Exhibit “A” is hereby authorized, and the Chairman, or his designee, is hereby authorized, subject to County Attorney approval, 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

2<sup>nd</sup> RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this resolution constitutes a Type II Action pursuant to Section 617.5(c)(26) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management, and information collections, and the Seneca County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

Exhibit A

**NEW YORK SUBDIVISION ELECTION AND RELEASE FORM**

This Election and Release Form for New York Participating Subdivisions resolves opioid-related Claims against Janssen under the terms and conditions set forth in the Janssen New York State-Wide Opioid Settlement Agreement between Janssen, the State of New York, and the Counties of Nassau and Suffolk (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the

**SENECA COUNTY  
BOARD OF SUPERVISORS**

Special Board Meeting  
August 24, 2021

Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision's power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss Janssen and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Janssen or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss Janssen and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Janssen or a Released Entity concurrently with the execution of this form.

By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Court where the Consent Judgment is filed for purposes limited to that Court's role under the Agreement.

Executive Session: Board of Supervisors convened in executive session with the county attorneys and county manager. Time: 7:57 – 8:27 p.m.

Special Order of the Day

The board convened in open session. No action was taken. The meeting adjourned at 8:27 p.m.