

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: FINANCE

DATE: NOVEMBER 2, 2017

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SOKOL
SEEBER
DICKINSON
STROUGH
BEATY
FRASIER
MCDEVITT
SIMPSON
GERAGHTY
VACANT

OTHERS PRESENT:

REPRESENTING LAW FIRM OF OF BRINDSI, MURAD & PEARLMAN, LLP:
LEWIS BRINDSI, ESQ, FOUNDING PARTNER
ROBERT F. JULLIAN, ESQ.
REPRESENTING LAW FIRM OF NAPOLI & SHKOLNIK, PLLC:
WILLIAM NIKAS, ESQ.
PAUL NAPOLI, OF COUNSEL
MARIE NAPOLI, ESQ., PARTNER
RONALD CONOVER, CHAIRMAN OF THE BOARD
MARY ELIZABETH KISSANE, ACTING COUNTY ATTORNEY
AMANDA ALLEN, CLERK OF THE BOARD
FRANK THOMAS, BUDGET OFFICER
SUPERVISORS BRAYMER
LEGGETT
MIKE SWAN, COUNTY TREASURER
DON LEHMAN, *THE POST STAR*
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

COMMITTEE MEMBER ABSENT:

SUPERVISOR MERLINO

Please note, the following contains a summarization of the November 2, 2017 meeting of the Finance Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <http://www.warrencountyny.gov/gov/comm/Archive/2017/finance/>

Mr. Sokol called the meeting of the Finance Committee to order at 10:40 a.m.

Motion was made by Mr. Simpson, seconded by Mrs. Frasier and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the meeting Agenda were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Commencing the Agenda review, Mr. Sokol offered privilege of the floor to anyone present wishing to address the Committee on any matter. There being no response, he moved on to Agenda Item 2, which concerned a presentation by Law Firm of Brindisi, Murad & Pearlman, LLP regarding the County's potential for entering into opioid litigation. He reminded the Committee members Donald Boyajian, *Founding Partner, Dreyer Boyajian, LLP Attorneys at Law*, had presented a proposal to them regarding the matter at the September 12th meeting. He said Mr. Boyajian was a lawyer from Saratoga Springs, New York who was working with Simmons Hanly Conroy, *a National Law Firm*, in an attempt to obtain a settlement though the opioid litigation for certain Counties. He advised as of last month there were seven Counties involved in the lawsuit with Mr. Boyajian and the firm he was working with. Mr. Sokol stated the Board would ultimately need to determine whether this was something they would like to pursue and if so would they like to contract with one of the law firms who indicated interest in working with the County on the matter or possibly pursuing the matter on their own, which he would not recommend due to the workload the County Attorney's Office was already dealing with. He mentioned following the presentation by the two law firms present today, they would have three law firms to choose from, the first of which was the Simmons Hanly Conroy Lawfirm who had initiated the first litigation on the opioid crisis which commenced in 2003. He noted this firm had brought forward a claim on behalf of 5,000 individuals who indicated they suffered harm because of the aggressive marketing of opioids to doctors who then prescribed them. He stated the Hanly Conroy Law Firm was successful in settling the case for over \$75 million on behalf of the 5,000 claimants. Mr. Sokol apprised Mr. Boyajian had outlined the financial aspects of the opioid crisis as follows: \$40 billion in lost

productivity; \$26 billion in health insurance claims; \$7.6 billion impact on the criminal justice system; and slightly less than \$3 billion for substance abuse treatment. Mr. Sokol apprised he was hopeful that whichever law firm the County selected would not charge fees to the County unless the lawsuit was successful in obtaining a settlement, leaving only the cost of the time it would take Department Heads to compile the data required from the County. He added the contingency fee for the law firm Mr. Boyajian was working with was 25%.

Ms. Seeber exited the meeting at 10:42 a.m.

Mr. Sokol offered privilege of the floor to Lewis Brindisi, *representing Law Firm of Brindisi, Murad & Pearlman, LLP*, who informed he was present today with his partner Robert Julian, who was one of the consortium of Attorney's they had joined together with. He said Mr. Julian was a former Legislator for Oneida County, as well as a former Supreme Court Judge who now practiced law out of Syracuse and Utica, New York. He apprised he himself had been practicing law for 57 years from Utica, New York during which he had tried all types of cases all over the Country. He mentioned his other partner in the consortium, John Scolaro, was also a former Supreme Court Justice, but he was unable to make today's meeting because of a trial he was working on. He thanked the Committee for allowing them the opportunity to appear before the Committee to be able to convey their thoughts regarding the opioid litigation. He proceeded to provide an overview of their proposal to represent Warren County in the opioid litigation during which he and Mr. Julian answered questioned posed by the Committee members.

During the presentation Mr. Julian expressed that their firm had the best interest of the smaller Counties in mind, noting if a settlement was received they would ensure Warren County was allocated their fair share unlike the larger firms, who would be more concerned with the larger Counties from Downstate New York that they represented. Mr. Brindisi noted they would only be representing the smaller Counties and Cities from the Upstate New York Region.

Continuing with the Agenda review, Mr. Sokol extended privilege of the floor to William Nikas, who apprised he was a local lawyer who had partnered with the National Law Firm of Napoli & Shkolnik, PLLC to represent Counties in the opioid litigation. Mr. Nikas proceeded to explain why he got involved in the litigation and provided a brief overview of Paul Napoli, Esq. background and his achievements.

Following Mr. Nikas's introduction Mr. Napoli and his wife Marie Napoli, who was a partner in the law firm, proceeded with a presentation regarding the opioid litigation and why they were better equipped than the other firms to represent the County. Mr. And Mrs. Napoli answered questions posed by the Committee.

During the discussion Mr. Napoli noted the reason their firm was better situated to represent the County than the other law firms related to the fact that their firm had the latest technology to assist them with the review of the data submitted by the defendants, as well as their staff who were well versed and experienced in trying cases such as this one.

Immediately proceeding the conclusion of the presentation, Mr. Sokol announced due to the time constraints associated with the litigation, a special meeting of the Finance Committee would be scheduled prior to the November 17th Board Meeting to allow the Committee to consider the proposals received from various law firms with respect to representing the County in prospective opioid litigation.

Returning to Agenda Item 1, Mr. Sokol requested approval of the transfers of funds as attached for Committee approval.

Motion was made by Mr. Geraghty, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the November 17th Board Meeting.

Proceeding with the Agenda review, Mr. Sokol advised Agenda Items 4 pertained to a request from the County Treasurer's Office to transfer of funds in the amount of \$6,150 from the Contingent Account to replace an outdated Folder/Inserter machine that is no longer running properly.

Motion was made by Mr. Geraghty, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the November 17th Board Meeting.

Mr. Sokol apprised Agenda Items 5A-C pertained to the following referrals from the County Facilities Committee, *Airport*:

- 5A) Request to amend the County Budget in the total amount of \$6,041.50 to reflect the receipt of additional funding from the Adirondack Balloon Festival.

Motion was made by Mr. Dickinson, seconded by Mr. Geraghty and carried unanimously to approve the request and the necessary resolution was authorized for the November 17th Board Meeting.

- 5B) Request to increase Capital Project H369, *Airfield Guidance Sign Replacement/Pavement Repairs/Markings*, in the amount of \$769,309 to reflect the receipt of an AIP Grant to pay for the construction phase of the Project.

- 5C) Request to close Capital Project H335, *Runway 1 End Obstruction*, and return funding in the estimated amount of \$10,480.45 to the funding source, Budget Code A892.00, *Airport Reserve*.

Motion was made by Mr. Dickinson, seconded by Mr. Strough and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the November 17th Board Meeting.

Continuing with the Agenda review, Mr Sokol advised Agenda Items 6A-D pertained to the following referrals from the Criminal Justice & Public Safety:

- 6A) *Office of Emergency Services*- Request to amend the County Budget in the amount of \$1.00 to reflect actual total of the FY16 LEMPG (*Local Emergency Management Performance Grant*) award.

Motion was made by Mr. Geraghty, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the November 17th Board Meeting.

- 6B) *Sheriff*- Request to amend the County Budget in the total amount of \$523,375 to reflect the receipt of 2016 Statewide Interoperability Grant funds.

- 6C) *Sheriff*- Request to amend the County Budget in the amount of \$19,994, to reflect the receipt of 2017 SLETPP (*Statewide Law Enforcement Terrorism Prevention Program*) Grant funds.

- 6D) *Sheriff*- Request to amend the County Budget in the amount of \$45,499.85, to reflect the receipt of monies from Six Flags Great Escape for law enforcement services provided.

Motion was made by Mr. Simpson, seconded by Mr. Dickinson and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the November 17th Board Meeting.

Agenda Item 7, Mr. Sokol advised pertained to a referral from the Economic Growth & Development

Committee, *Planning & Community Development*, regarding a request for transfer of funds in the amount of \$14,900 from the Contingent Account to pay for a portion of the updated imagery purchased from New York State which will be payable in 2018.

Motion was made by Mr. Strough, seconded by Mr. Dickinson and carried unanimously to approve the request and the necessary resolution was authorized for the November 17th Board Meeting.

Proceeding with the Agenda review, Mr. Sokol stated Agenda Items 8A-B pertained to the following referrals from the Public Works Committee, *DPW*:

- 8A) Request to increase Capital Project No. H353, *County Bridge Abatement and Painting*, in the amount of \$679,323 to account for grant funding received.
- 8B) Request to increase Capital Project H331, *County Bridge Projects*, in the amount of \$170,000 to cover expenses for bridge replacement.

Motion was made by Mr. Dickinson, seconded by Mr. Geraghty and carried unanimously to approve the requests as outlined above and the necessary resolutions were authorized for the November 17th Board Meeting.

Mr. Sokol informed Agenda Item 9 was withdrawn. Amanda Allen, *Clerk of the Board*, advised the funds were located within the existing Department budget following the October 24th Support Services Committee meeting; therefore, the funds were no longer required.

Continuing to Agenda Item 10, Mr. Geraghty pointed out the Agenda packet included a reporting of the transfers approved by the County Administrator's Office since the last meeting. He noted this was an information item which required no action.

Moving along, Mr. Sokol advised Agenda Item 11 pertained to Finance Committee action which was required on the following items as approved by the Personnel & Higher Education Committee: Personnel & Higher Education Agenda Items 2B-C, 3 and 4.

Motion was made by Mr. Geraghty, seconded by Mr. Simpson and carried unanimously to approve the requests and the necessary resolutions were authorized for the November 17th Board Meeting.

Proceeding to the Pending Item pertaining to the Committee tabling a request from the County Treasurer's Office to reintroduce his prior request to either authorize the Treasurer's Office to write off uncollected Medicaid receivables carried over on December 31, 2015 from Westmount or find someone to take over the re-billing and renew the billing software contract which was tabled at the June 14th Board Meeting. (*Reso. No. 242 of 2017- Tabled*) (08.31.17), Mr. Sokol apprised due to time constraints the Committee would hold off on the discussion until the next Committee meeting. Mary Elizabeth Kissane, *Acting County Attorney*, interjected she would be bringing a request for a contract through the Support Services Committee next month to try and collect these funds.

Mr. Geraghty advised the I Am Responding software was working well for the EMS providers who were using it in the County.

There being no further business to come before the Finance Committee, on motion made by Mr. Dickinson and seconded by Mr. Strough, Mr. Sokol adjourned the meeting at 12:23 p.m.

Respectfully submitted,
Sarah McLenithan, Deputy Clerk of the Board