

**AGENDA
SPECIAL MEETING
OF THE
PUTNAM COUNTY LEGISLATURE
CALLED BY THE CLERK AT THE REQUEST OF THE CHAIRWOMAN
TO BE HELD IN ROOM 318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Tuesday

November 21, 2017

6:00 P.M.

The meeting was called to order at 6:05 P.M. by Chairwoman Nacerino who requested Legislator Castellano to lead in the Pledge of Allegiance. Chairwoman Nacerino led in the Legislative Prayer. Upon roll call, Legislators Scuccimarra, Gouldman, Addonizio, Albano, Jonke, Castellano, Sullivan and Chairwoman Nacerino were present. Legislator LoBue was absent. Also present was Legislative Counsel Firriolo.

Item #4 – Commence Litigation / Law Firm of Napoli Shkolnik PLLC v. Pharmaceutical Companies – Opioid Epidemic was next.

Chairwoman Nacerino read sections of the resolution which explained the New York State litigation against the opioid manufacturers.

Legislator Scuccimarra stated that she was pleased to be moving forward with this litigation. She believed this litigation has picked up momentum with more counties joining the litigation. She listed the many counties that have joined the litigation and stated that Westchester County also approved a resolution on September 25th. She explained that it was not about monetary payback for what our County has expended, but to send a message to these companies that it is time for them to change the way they do business.

Chairwoman Nacerino concurred. She stated that it was important to stop what has been going on for so many years and what has caused so much harm to so many people.

Chairwoman Nacerino made a motion to accept the additional material which was an informal list of the counties that have joined the litigation; seconded by Legislator Castellano. All in favor.

Legislator Gouldman stated that he was glad we were addressing this major crisis in our community. He explained that several years ago the heroin and opioid crisis was mainly an intercity problem and he believed people viewed it as someone else's issue and "not in my backyard". However, it has now moved to the suburb area and he believed people now realize this issue needs to be addressed.

Lynn Eckardt from the Town of Southeast stated if the litigation is successful, she questioned if the Legislature is committed to allocating settlement funds to drug education and remediation in Putnam County.

Chairwoman Nacerino stated that it would be something good to do, however, she believed that had yet to be determined. She did not believe anyone could answer that question at this point in time. However, if there is a settlement, she believed the funds would be used to support the endeavor that we pursued.

Ms. Eckardt questioned if there was any way for the public to get updates on this litigation.

Chairwoman Nacerino explained that information would be shared within our limitations to do so.

Legislator Castellano stated that the action would take place in Putnam County Supreme Court so the information would be there to anyone who is interested.

Ms. Eckardt questioned if it would possibly be on the County's website.

Legislative Counsel Firriolo stated that it is more likely that there will be a joinder to the pending Suffolk County action. He stated that everything on that action would be online as well.

Legislator Albano stated that he was in full support of this. He explained that it was unfortunate that public officials on a higher level allowed it to get this point. He stated that those who were in charge should have done more, and they didn't.

Legislator Jonke stated that it was great that Putnam County sends a message to these big companies that we will hold them responsible for the crisis that they created in our little community. Hopefully they will see some financial obligation down the road or we will be able to recoup some funds for education and get help for individuals. He believed this was a great first step.

Chairwoman Nacerino stated that years ago this was tagged as a social economic issue. She stated that this is no longer the case. There is a drug crisis in our backyard. It has no barriers and touches all of us.

Legislator Sullivan stated that we are taking a bold step as a Legislature of what we can do to try and put a stop to this problem. He believed that sometimes companies only realize when you hit them in the pocketbook. He hoped that this lawsuit with the other counties sends a wakeup call to these companies that people are not going to put up with this anymore.

Legislator Scuccimarra stated that it is great that we are doing this but there is still so much more work to do. She stated that she is in complete support with Senator Murphy's five (5) day rule as far as opioid prescriptions. She believed that we needed to support his mission. She explained that she had minor knee surgery three (3) weeks ago and they sent her home with 25 OxyContin.

Chairwoman Nacerino explained that the Legislature's action tonight is two (2) fold. She explained that it speaks to the Legislature's values for our community and the counties that have joined forces has raised awareness which she believed would accomplish a lot in many ways.

Legislator Addonizio agreed with moving forward with this. She believed that this was the tip of the iceberg and there was a lot more work that needed to be done. She stated that she was amazed how long the pharmaceutical companies have gotten away with negligent marketing.

Chairwoman Nacerino moved the following; seconded by Legislator Castellano.

RESOLUTION #245

**COMMENCE LITIGATION / LAW FIRM OF NAPOLI SHKOLNIK PLLC V.
PHARMACEUTICAL COMPANIES – OPIOID EPIDEMIC**

WHEREAS, various states and counties across the country have begun filing lawsuits against both pharmaceutical companies and distributors who have created the nationwide opioid epidemic for the fraudulent and negligent marketing and distribution of opioid pain medications; and

WHEREAS, New York State has been one of the hardest hit states in the nation, with the rate of prescription and heroin overdoses exceeding almost every other state in the country; and

WHEREAS, the law firm of Napoli Shkolnik PLLC has been investigating potential claims on behalf of both individuals and governmental entities against these pharmaceutical manufacturers and distributors, have been working with physicians, pharmacists and addiction specialists, have filed numerous actions in New York State on behalf of various counties, and have recently been named co-lead counsel in the coordinated opioid litigation; and

WHEREAS, the law firm of Napoli Shkolnik PLLC has recommended that claims for deceptive acts and practices, false advertising, public nuisance, fraud, unjust enrichment, as well as other State specific violations be brought against the largest manufacturers and marketers of opioid pain medications, such as Purdue Pharmaceuticals, Teva Pharmaceutical Industries, Inc., Johnson and Johnson, and Endo Pharmaceuticals, as well as the largest distributors of these drugs, including McKesson Corp., Cardinal health Inc. and AmerisourceBergen Corp.; and

WHEREAS, the goal of the proposed litigation would be to fully compensate the County of Putnam for unnecessary costs incurred as a result of prescription opioid abuse, including workplace costs relative to loss of productivity, healthcare costs such as abuse treatment and criminal justice costs; and

WHEREAS, the Putnam County Legislature recognizes the importance of seeking accountability from those companies that engaged in fraudulent and negligent practices which caused immeasurable harm to Putnam County residents and taxpayers; and

WHEREAS, the County Executive has evidenced her full support for the commencement of any action necessary to remedy the harm that has been caused to the taxpayers of Putnam County as a result of the deceptive acts and practices of many opiate drug manufacturers and distributors; now therefore be it

RESOLVED, that the Putnam County Legislature authorizes the County Attorney to retain the law firm of Napoli Shkolnik PLLC, upon such terms as are reasonable and standard, for the purpose of commencing litigation against whatever parties are recommended in connection with the ever increasing opioid litigation in New York State, including manufacturers and distributors of prescription opiates.

BY POLL VOTE: ALL AYES. LEGISLATOR LOBUE WAS ABSENT. MOTION CARRIES.

There being no further business, at 6:16 P.M., Chairwoman Nacerino made a motion to adjourn; seconded by Legislator Castellano. All in favor.

Respectfully submitted by Diane Schonfeld, Clerk.