

**AGENDA**  
**Legislative Resolution Review Committee**  
**Wednesday, August 5, 2020**  
**Room 120 at the Human Services Complex**

**REGULAR MEETING AGENDA ITEMS APPROVED BY LEGISLATIVE STANDING COMMITTEES AND/OR RESOLUTIONS OFFERED BY INDIVIDUALS FOR REVIEW/DISCUSSION:**

1. AUTHORIZE CONTRACT WITH WTH TECHNOLOGY, INC. FOR GIS DATA ENHANCEMENTS FOR NEXGEN 911 – EMERGENCY MANAGEMENT
2. AUTHORIZE LAND/GROUND LEASE AGREEMENT WITH THE BRADFORD CENTRAL SCHOOL DISTRICT FOR EMERGENCY COMMUNICATIONS TOWER SITE – EMERGENCY MANAGEMENT
3. AUTHORIZE CONTRACT WITH OPPORTUNITIES, ALTERNATIVES AND RESOURCES (OAR) OF TOMPKINS COUNTY FOR ASSIGNED COUNSEL INTAKE SERVICES – PUBLIC DEFENDER
4. AUTHORIZE AMENDMENT TO THE SUBLEASE CONTRACT WITH CHILD CARE AWARE OF STEUBEN AND SCHUYLER; A PROGRAM OF PRO ACTION OF STEUBEN AND YATES, INC. FOR AN ADDITIONAL CUBICAL – BUILDINGS & GROUNDS
5. AUTHORIZE AMENDING THE 2020 BUDGET TO COMPLETE THE COUNTY ROAD 6 PROJECT – HIGHWAY DEPARTMENT
6. AUTHORIZE GRANT APPLICATION AND AGREEMENT WITH THE NEW YORK STATE OFFICE FOR THE AGING FOR THE NEW YORK CONNECTS EXPANSION AND ENHANCEMENT PROGRAM – OFFICE FOR THE AGING
7. AUTHORIZE TWO -YEAR CONTRACT WITH FAMILY SERVICES OF CHEMUNG COUNTY, INC. FOR ON CALL CRISIS COVERAGE SERVICES – MENTAL HEALTH
8. AUTHORIZE AMENDING THE 2020 BUDGET – COMMUNITY SERVICES
9. ACCEPTANCE OF 2020 AGRICULTURAL DISTRICT ANNUAL ENROLLMENT REQUESTS
10. AUTHORIZE AMENDMENT TO THE CONTRACT WITH STANTEC CONSULTING SERVICES, INC. FOR THE REDEVELOPMENT OF CLUTE PARK – PLANNING DEPARTMENT
11. AUTHORIZE APPOINTMENT AND SET SALARY OF ACTING DIRECTOR OF REAL PROPERTY TAX SERVICES
12. ACKNOWLEDGE APPOINTMENT AND SET SALARY FOR FULL TIME ASSESSOR POSITION – REAL PROPERTY
13. AUTHORIZE THE CREATION AND FILLING OF ONE FULL-TIME PRINCIPAL CLERK POSITION – COUNTY CLERK
14. AUTHORIZE STIPULATION AND RELEASE OF CLAIMS AGREEMENT WITH DARYL J. WHITE – HUMAN RESOURCES
15. RESOLUTION AUTHORIZING SPECIAL COUNSEL AGREEMENT WITH NS PR LAW SERVICES, D/B/A NAPOLI SHKOLNIK PLLC, RELATED TO BRINGING A POTENTIAL ANTITRUST LAWSUIT RELATED TO GENERIC PHARMACEUTICALS ON BEHALF OF THE COUNTY - COUNTY ATTORNEY

**LEGISLATIVE COMMITTEE MEETING TO FOLLOW IF NEEDED**

1. Motion to accept the 2019 Audit presented by Insero & Co. CPAs, LLP

Resolution No. 151  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. \_\_\_\_\_  
Approved by Committee \_\_\_\_\_  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_\_ Ayes to \_\_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: APPROVE THE MINUTES OF THE JULY 13, 2020 REGULAR MEETING OF THE SCHUYLER COUNTY LEGISLATURE

BE IT RESOLVED, that the minutes of the July 13, 2020 Regular Meeting of the Schuyler County Legislature be approved.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

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

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote:    Ayes to    Noes  
Name of Noes \_\_\_\_\_

RE:    AUTHORIZE CONTRACT WITH WTH TECHNOLOGY, INC. FOR GIS DATA ENHANCEMENTS  
      FOR NEXGEN 911 – EMERGENCY MANAGEMENT

      WHEREAS, the Schuyler County Emergency Management Office requires GIS data enhancements and/or mapping related products and services, and

      WHEREAS, the Schuyler County Emergency Management Office would like to prepare their existing GIS layers for NexGen 911, and

      WHEREAS, WTH Technology, Inc. has submitted a proposal for the address range creation in the amount of \$27,030.00, and additional NG 911 layer creation in the amount of \$5,950.00.

      NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract with WTH Technology, Inc. for Schuyler County Emergency Management for GIS Data Enhancements for NexGen 911, effective upon signing for 180 days, at a total cost of \$32,980, funding available in account no. 3689.3993; contract approved by the Schuyler County Attorney.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No.   2    
Approved by Committee  VAH  - Individually  
Approved by Co. Atty.  SJG 

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote:    Ayes to    Noes  
Name of Noes \_\_\_\_\_

RE:    **AUTHORIZE LAND/GROUND LEASE AGREEMENT WITH THE BRADFORD CENTRAL SCHOOL DISTRICT FOR EMERGENCY COMMUNICATIONS TOWER SITE – EMERGENCY MANAGEMENT**

WHEREAS, the Emergency Management Office has been working to acquire land that would provide a communications tower site suitable to enhance the current emergency communications system and related coverage to Schuyler County area, and

WHEREAS, the Bradford Central School District has approximately 2500 square feet of property located in the Town of Orange, County of Schuyler, and State of New York which is available for the installation, operation and maintenance of communications towers and related equipment, and

WHEREAS, the Bradford Central School District agrees to charge \$1.00 in annual installments due on the 1st day of October each year during the term of this lease.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be authorized to sign the Land/Ground Lease Agreement with the Bradford Central School District for the term September 1, 2020 through August 31, 2030, for an annual rent fee of \$1.00, funding available in account no. 3689.0435; approved by the Schuyler County Attorney.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 3  
Approved by Committee VAH - Individually  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: AUTHORIZE CONTRACT WITH OPPORTUNITIES, ALTERNATIVES AND RESOURCES (OAR) OF TOMPKINS COUNTY FOR ASSIGNED COUNSEL INTAKE SERVICES – PUBLIC DEFENDER

WHEREAS, the Public Defender’s Office currently has a two-year contract with Opportunities, Alternatives and Resources (OAR) of Tompkins County, and

WHEREAS, the Public Defender has determined the need to continue these services to provide quality legal representation pursuant to the order on consent in Hurrell-Harring v. State of NY, 15 N.Y.3d 8, 20 (2010) (“Hurrell-Harring”), which requires New York State to improve the delivery of public defense services in four key areas.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the above, the Chairman of the Legislature be hereby authorized to execute a one-year contract with Opportunities, Alternatives and Resources (OAR) of Tompkins County for the Public Defender’s Office at an annual cost of \$57,765, for the term August 1, 2020 through July 31, 2021, funding is available in the 2020 Public Defender budget account no. 1170.437, contract approved by the Schuyler County Attorney.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 4  
Approved by Committee JDH  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: AUTHORIZE AMENDMENT TO THE SUBLEASE CONTRACT WITH CHILD CARE AWARE OF STEUBEN AND SCHUYLER; A PROGRAM OF PRO ACTION OF STEUBEN AND YATES, INC. FOR AN ADDITIONAL CUBICAL – BUILDINGS & GROUNDS

WHEREAS, the Schuyler County Buildings & Grounds Department currently has a one -year sub lease contract with Child Care Aware of Steuben and Schuyler for one cubical space and shared use of waiting room no. 128, and

WHEREAS, due to the Coronavirus social distancing requirement, there is a need for an additional cubical in order for the tenant to be in compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute an amendment to the existing one-year contract with Child Care Aware of Steuben and Schuyler; A Program of Pro Action of Steuben and Yates, Inc. for one additional Cubical, for an additional cost to the tenant in the amount of \$1,250, for the term of the contract, making the total sublease fee \$6,250, effective June 8, 2020 through December 31, 2020, contract approved by the Schuyler County Attorney.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 5  
Approved by Committee JDH  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: AUTHORIZE AMENDING THE 2020 BUDGET TO COMPLETE THE COUNTY ROAD 6 PROJECT – HIGHWAY DEPARTMENT

WHEREAS, the Schuyler County Highway Department was not able to complete the County Road 6 project in 2019 and thus did not submit for state reimbursement through Consolidated Highway Improvement Program (CHIP), and

WHEREAS, the Highway Department intends to complete this project in 2020 and receive CHIP funding for same, and

WHEREAS, this requires amending the 2020 budget to increase both the revenue and expense associated with this project by \$700,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Treasurer is hereby authorized to amend the 2020 budget as follows:

<u>AMOUNT</u>	<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>
-\$700,000	002.0002.3501	Consolidated Highway Aid
+\$700,000	002.5112.0569	Reconstruction CR6

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 6  
Approved by Committee MLL  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: AUTHORIZE GRANT APPLICATION AND AGREEMENT WITH THE NEW YORK STATE OFFICE FOR THE AGING FOR THE NEW YORK CONNECTS EXPANSION AND ENHANCEMENT PROGRAM – OFFICE FOR THE AGING

WHEREAS, Schuyler County has a New York (NY) Connects program within the Office for the Aging which serves as the local Aging and Disability Resource Center for individuals from birth to death who have long term care or chronic healthcare issues, and

WHEREAS, NY Connects is an essential component of the State's efforts to rebalance the Long-Term Services and Supports (LTSS) system to increase access to non-institutional community-based long-term services and supports, and

WHEREAS, the purpose of the Expansion and Enhancement funding is to broaden the scope and involve new partners to produce a fully functional No Wrong Door structural reform as required under the federal Balancing Incentive Program (BIP) authorized under the Patient Protection and Affordable Care Act of 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to sign a grant application and agreement with the New York State Office for the Aging for the Expansion and Enhancement of NY Connects program grant funds, for the term April 1, 2020 through March 31, 2021, in the amount of \$144,194.00, and

BE IT FURTHER RESOLVED, that the Schuyler County Treasurer is hereby directed to establish the NY Connects program grant accordingly in cooperation with the Office for the Aging Department.



Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 7  
Approved by Committee MLL  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: AUTHORIZE TWO - YEAR CONTRACT WITH FAMILY SERVICES OF CHEMUNG COUNTY, INC.  
FOR ON CALL CRISIS COVERAGE SERVICES – MENTAL HEALTH

WHEREAS, Schuyler County Mental Health has been contracting with Family Services of Chemung County, Inc. for on call crisis coverage on a yearly basis, and

WHEREAS, Family Services of Chemung County, Inc. has agreed to a two-year contract.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a two year contract with Family Services of Chemung County, Inc. for the Schuyler County Mental Health Department for on call crisis services for the term January 1, 2020 through December 31, 2021, at a cost of \$15,000 annually, funding available in account no. 4310.0435 – Professional Fees & Services, contract approved by the Schuyler County Attorney.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 8  
Approved by Committee MLL  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: AUTHORIZE AMENDING THE 2020 BUDGET – COMMUNITY SERVICES

WHEREAS, the Mental Health Clinic has put Federal Salary Sharing funds in a Deferred Revenue Account for future use, and

WHEREAS, said funds are to be used for Mental Health needs only, and

WHEREAS, the Mental Health Clinic is in need of thirty-two new laptop computers in the amount of \$26,332.48 and has proposed to use funds from the Deferred Revenue Account No. 1.1.0691.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Treasurer is hereby authorized to amend the 2020 Mental Health Budget as follows:

<u>AMOUNT</u>	<u>ACCOUNT NO.</u>	<u>DESCRIPTION</u>
+\$26,332.48	4310.0208	Laptops & Docking Stations
+\$26,332.48	4310.4490	Federal Salary Sharing/Aid

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 9  
Approved by Committee MFR  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: ACCEPTANCE OF 2020 AGRICULTURAL DISTRICT ANNUAL ENROLLMENT REQUESTS

WHEREAS, in keeping with New York State Agriculture and Markets Law Article 25-AA, Schuyler County holds an annual agricultural district enrollment period from January 15th to February 15th of each year, and

WHEREAS, in 2020 the County did receive three requests from landowners for inclusion in Schuyler County Agricultural District #2, and

WHEREAS, the Schuyler County Agriculture and Farmland Protection Board did find on February 24, 2020, that these requests were comprised of substantially viable agricultural land contained wholly within parcels;

61.00-1-25.4 containing a total of 6.67 acres owned by Bernard Baker in the Town of Orange,

81.00-1-40.1 containing a total of 147.44 acres owned by Richard & Carol French in the Town of Orange,

41.00-3-19 containing a total of 37.80 acres owned by Martin & Peggy Roberts in the Town of Reading,

30.00-1-13 containing a total of 50.00 acres owned by Ronald & Roxanne Perry in the Town of Tyrone,

50.001-23.1 containing a total of 94.83 acres owned by Steven and Susanna Burkholder in the Town of Tyrone,

20.00-1-15 containing a total of 3.17 acres owned by Leroy Zimmerman in the Town of Tyrone, and

WHEREAS, Schuyler County did hold a public hearing on the inclusion of this parcel in on August 10, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Schuyler County Legislature does accept the requested inclusion into Schuyler County Agricultural District #2, and requests that the Commissioner of the New York State Department of Agriculture and Markets certify these inclusions.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 10  
Approved by Committee MFR  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: AUTHORIZE AMENDMENT TO THE CONTRACT WITH STANTEC CONSULTING SERVICES, INC.  
FOR THE REDEVELOPMENT OF CLUTE PARK – PLANNING DEPARTMENT

WHEREAS, Resolution No. 142-19 authorized a contract Stantec Consulting Services, Inc. for the professional Services related to the redevelopment of Clute Park, and

WHEREAS, there is a need for additional construction administration services adding to the cost and extending the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute a contract amendment with Stantec Consulting Services, Inc. for the Planning Department for additional construction administrative services (professional services) relative to the redevelopment of the Village of Watkins Glen Clute Park, in the amount of \$201,000 (Construction Phase Services \$168,000 and Special Inspection Services \$33,000), extending the term through August 31, 2021, funding available in the Project Seneca Grant account no. 005.0005.0091, and the Downtown Revitalization Initiative (DRI) Grant account no. 005.0005.0091, with no local share, contract approved by the Schuyler County Attorney.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 11  
Approved by Committee PCB  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: AUTHORIZE APPOINTMENT AND SET SALARY OF ACTING DIRECTOR OF REAL PROPERTY TAX SERVICES

WHEREAS, the current full-time Real Property Tax Director will be retiring effective August 8, 2020, and WHEREAS, said Director is willing to continue his role, as Acting Director, on a part-time basis, until such time a replacement can be appointed.

NOW, THEREFORE, BE IT RESOLVED, that Thomas R. Bloodgood be appointed as the Acting Director of Real Property Tax Services, at a salary of \$35,000, effective August 11, 2020 until such time as a replacement can be appointed, and

BE IT FURTHER RESOLVED, that the Clerk of the Legislature shall notify the New York State Commissioner of Taxation and Finance within fifteen days of making such appointment, pursuant to Real Property Tax Law Section 1530.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 12  
Approved by Committee PCB  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: ACKNOWLEDGE APPOINTMENT AND SET SALARY FOR FULL TIME ASSESSOR POSITION –  
REAL PROPERTY

BE IT RESOLVED, that this Legislature acknowledge the appointment by Thomas R Bloodgood, Real Property Tax Director, of Patricia Bartolomeo, as Assessor at an annual salary of \$47,000, effective September 8, 2020.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 13  
Approved by Committee PCB  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: AUTHORIZE THE CREATION AND FILLING OF ONE FULL-TIME PRINCIPAL CLERK POSITION –  
COUNTY CLERK

WHEREAS, as part of a continued restructuring plan, the County Clerk has identified the need for a position that can work in both the County Clerk and DMV office, assuming duties from the now vacant and abolished Sr. Motor Vehicle License Clerk position, and

WHEREAS, the County Clerk is requesting to create the position of one full time Principal Clerk with the approval of the County Administrator to fill said need, and

WHEREAS, funding for the position is available in the 2020 budget account no. 1410.0100.

NOW, THEREFORE, BE IT RESOLVED, that the County Clerk is hereby authorized to create and fill one full-time-Principal Clerk position, at an hourly rate of \$19.25 to be placed in Grade Level 6, as set forth in the CSEA Administrative Unit contract, effective immediately, and

BE IT FURTHER RESOLVED, that the Senior Clerk position shall be abolished upon filling of the Principal Clerk position.

Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 14  
Approved by Committee PCB  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: AUTHORIZE STIPULATION AND RELEASE OF CLAIMS AGREEMENT WITH DARYL J. WHITE –  
HUMAN RESOURCES

BE IT RESOLVED, that the Chairman of the Legislature is hereby authorized to sign a Stipulation and Release of Claims Agreement with Daryl J. White, as approved by Labor Counsel.



Resolution No.  
SCHUYLER COUNTY LEGISLATURE

Regular Meeting  
August 10, 2020

Intro. No. 15  
Approved by Committee PCB  
Approved by Co. Atty. SJG

Motion by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
Vote: \_\_\_\_ Ayes to \_\_\_\_ Noes  
Name of Noes \_\_\_\_\_

RE: RESOLUTION AUTHORIZING SPECIAL COUNSEL AGREEMENT WITH NS PR LAW SERVICES, D/B/A NAPOLI SHKOLNIK PLLC, RELATED TO BRINGING A POTENTIAL ANTITRUST LAWSUIT RELATED TO GENERIC PHARMACEUTICALS ON BEHALF OF THE COUNTY - COUNTY ATTORNEY

WHEREAS, the County of Schuyler has previously retained NS PR LAW SERVICES d/b/a NAPOLI SHKOLNIK PLLC (“Napoli”) to work with the County Attorney for the purpose of assisting the county in pursuing claims on behalf of the county against manufacturers and wholesalers of opioids for the alleged fraudulent and negligent marketing and distribution of opiates in and to the county, and

WHEREAS, in 2014, the Department of Justice began an investigation into the pricing of various generic pharmaceuticals; such investigation has grown and presently includes at least 16 companies and 300 drugs; in the wake of the Federal investigation, in 2017, the state attorneys’ general of 48 states brought a civil action alleging price fixing, market division, and other antitrust violations by 16 defendant pharmaceutical companies related to fifteen (15) generic prescription drugs; in addition to the actions brought by the states, numerous health care plans, welfare benefit funds, private insurers, and other health coverage providers have brought suit, and

WHEREAS, the county has been made aware of a potential antitrust lawsuit on behalf of the county, based upon the alleged conspiracy by such pharmaceutical manufacturers to fix prices, allocate markets, and engage in other antitrust violations and wrongdoing with respect to generic pharmaceuticals resulting in potential overpayments by the county for such generic drugs, and

WHEREAS, Napoli has made a proposal under which the county agrees to retain said law firm as the county’s attorneys in the investigation and/or prosecution of any legal claim against manufactures of generic pharmaceuticals and/or their executives based upon their actions in fixing prices, allocating markets, and engaging in other antitrust violations or other wrongdoing with respect to generic pharmaceuticals, and

WHEREAS, there is no fee or expense for this representation unless a monetary recovery acceptable to the county is obtained by Counsel in favor of the county, whether by suit, settlement, or otherwise, in such case, as consideration for legal services rendered and to be rendered by the attorneys in carrying out the purpose hereof, the county agrees to pay Napoli 25% (twenty-five percent) of all gross amounts recovered plus disbursements; further if the action is certified as a class action, compensation to be award within the discretion of the court, and

WHEREAS, the term of the agreement shall commence upon execution and continue to conclusion of the case unless terminated earlier, subject to applicable ethical rules, if any.

NOW, THEREFORE BE IT RESOLVED that the County of Schuyler accepts the proposed Retainer Agreement from NS PR Law Services d/b/a Napoli Shkolnik PLLC and the Chair of the County Legislature is authorized and empowered to execute the Retainer Agreement on behalf of the County of Schuyler, contract approved by the Schuyler County Attorney.