

## **REGULAR SESSION**

**TUESDAY, OCTOBER 2, 2018**

Chairman Gray called the meeting to order at 6:00 p.m.

### **ROLL CALL OF MEMBERS**

All members present except Legislators Reed, Drake, Ferris and Doldo.

### **PRIVILEGE OF THE FLOOR**

Anita Seefreid-Brown, Alliance for Better Communities, and Jefferson County resident, said that while we have made great strides to address the scourge of the opiate epidemic we still have a long way to go. Statistics provided by the Jefferson County Medical Examiner's Office indicate that between 2010 - 2018 Jefferson County had 138 overdose deaths. She said when a person takes prescription drugs for a non medical reason it can quickly lead to addiction and the need for drug treatment. She provided Board members with information concerning the consumption of Oxycodone (1980-2006), marketing dollars spent on OxyContin (1996-2001) and then opioid related overdose deaths in the U.S. (1999-2014). She said Purdue Pharma aggressively marketed OxyContin and has long claimed it was unaware of the powerful opiate pain killer's growing abuse until years after it went on the market. However, Justice Department reports indicate that federal prosecutors investigating the company found that they knew about significant abuse of OxyContin in the first years after the drug's introduction in 1996 and concealed that information from the public. In 2007 Purdue Pharma plead guilty to a felony charge of misbranding oxycontin while marketing the drug and misrepresenting its risk of addiction and its potential to be abused. She said the company paid a \$654 million fine. On behalf of the Alliance and its members she thanked the Board for their efforts to recover funding to help people to obtain timely access to detox and treatment.

Dorine Slocum, Jefferson County resident and a person who has been an addict for the past 10 years, spoke to the Board about how she became an addict from being prescribed pain medication which led to a heroin addiction. She has been in recovery for 2 years, and said drug companies should not be able to get away with marketing these drugs irresponsibly, and recovery money from pharmaceuticals will go a long way in providing on demand access to detox and treatment services for individuals suffering from this terrible disease.

Jeanne Weaver, a resident of Lewis County who grew up in Jefferson County has had several family members that have dealt with addictions, specifically her son and nephew who had football injuries and were carelessly prescribed opiate pain medication in high school. They both became addicts because of it, and her nephew has since passed recently. Not only is the addict affected, the whole family is deeply affected, and she has established a local Nar Anon (Narcotics Anonymous) group for family members. She said the drug company knew how addictive the medication was and marketed it anyway which created the beginning of this mess, and they should be held accountable.

Howard Tibberine, Jefferson County resident, ordained minister and drug addict for over 40 years said his drug addiction kept him from a College education, a great regret he has, destroyed two marriages and greatly affected his five sons. Four of his sons have done well for themselves, but he is concerned about his youngest son who is a heroin addict and has had a drug overdose. His particular story started with getting hurt and being prescribed pain killers at the rate of 360 Oxycodone and 90 Lyrica per month which made him a walking mess and took the drive out of him to do anything but the drugs; that led to criminal behavior and an arrest record. When you can sell an Oxycodone pill for \$10.00 it can lead to quite a lucrative business if you are only taking part of a prescription and selling the rest. He said it takes a community to lift a community up, and while he used to be part of the problem, he is now part of the solution as he visits jails, prisons, pastors churches and helps people who need a helping hand.

#### **READING OF MINUTES OF LAST SESSION :**

The minutes of the September Session stand approved in the absence of objection or correction.

#### **PETITIONS, NOTICES AND COMMUNICATIONS**

A 2018 New York State Legislative Session Summary: The Impact on New York's Counties was received from the New York State Association of Counties (NYSAC).

NYSAC 2019 Resolutions that were approved at the Fall Conference and are for 2019 legislative action.

#### **REPORTS OF STANDING COMMITTEES**

The Finance & Rules Committee reported favorably on resolutions referred from other jurisdictional Committees.

The Finance & Rules Committee reported favorably on legislators' expenses.

#### **REPORT OF COUNTY OFFICERS AND OTHERS**

The County Treasurer provided a report on Investments and Cash in Banks as of August 31, 2018.

The County Administrator provided a report on Budget Transfers for the month of September, 2018.

#### **LOCAL LAWS, RESOLUTIONS AND MOTIONS**

**Resolution No. 184**

**Setting Time and Place for Public Hearing on Tentative Budget for Fiscal Year 2019**

By Legislator: James A. Nabywaniec

Resolved, That, Pursuant to Section 359 of County Law, a public hearing on the Tentative Budget for County fiscal year 2019 be held before this Board of Legislators at 6:00 p.m. on the 13<sup>th</sup> day of November, 2018 in the Chambers of the Board of Legislators, Historic Courthouse, 195 Arsenal Street, Watertown, NY, and be it further

Resolved, That notice of said public hearing be given in accordance with law.

Seconded by Legislator: Daniel R. McBride

All members present voted aye.

**Resolution No. 185**

**Payment of Legislators' Expenses**

By Legislator: Daniel R. McBride

Whereas, This Committee to whom claims of the members of the Board were referred, has examined and audited such claims and finds the total to be \$ 80.00, we have allowed:

Legislator Expense:	\$ 80.00
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Now, Therefore, Be It Resolved, That the County Treasurer be and is hereby directed to draw checks payable to the claimants as audited.

Seconded by Legislator: William W. Johnson

All members present voted aye.

**Resolution No. 186**

**Amending 2018 County Budget in Relation to Insurance Department**

By Legislator: Robert W. Cantwell, III

Whereas, Unemployment Insurance costs are increasing and are billed by New York State quarterly, and

Whereas, An increasing number of retirees and dependents are reaching Medicare Part B eligibility, and are reimbursed semi-annually for that cost, and

Whereas, The Insurance Director has estimated that the Unemployment Insurance and Medicare Part B premium reimbursement accounts will be short by the next required disbursement, and

Whereas, Funds are available within each departmental budget to cover these unanticipated expenses.

Now, Therefore, Be It Resolved, That the 2018 County Budget is hereby amended as follows:

**Increase:**

01905000 08050	Unemployment Insurance	\$20,000
40906000 08002	Reimbursement of Medicare Part B	26,000

**Decrease:**

01907000 08000	Undistributed Fringes	\$20,000
40906000 08001	Payment of Benefit Claims	26,000

Seconded by Legislator: James Nabywaniec

All members present voted aye.

**Resolution No. 187**

**Appointing Commissioner of Social Services**

By Legislator: Allen T. Drake

Whereas, The term of the Commissioner of Social Services expires on October 30, 2018, and

Whereas, The incumbent Commissioner of Social Services is recommended for reappointment by the County Administrator, pursuant to Local Law No. 10 of 1986, at a salary consistent with the Management Compensation Schedule adopted annually by separate resolution.

Now, Therefore, Be It Resolved, Pursuant to Section 116 of the Social Services Law, Teresa Gaffney be and is hereby appointed Commissioner of Social Services for a five year term, said term to expire October 30, 2023.

Seconded by Legislator: William W. Johnson

Legislator Peck said Commissioner Gaffney was a pleasure to work with and she was very helpful in answering any questions the Ad Hoc Committee had when they were examining all the DSS programs for efficiencies. Legislator Fitzpatrick echoed those comments. There being no further comments, all members present voted aye.

**Resolution No. 188**

**Authorizing Agreement with NYS Division of Criminal Justice Services  
in Relation to Aid to Prosecution Program**

By Legislator: Anthony J. Doldo

Whereas, The Jefferson County District Attorney's Office has been awarded an Aid to Prosecution grant from the NYS Division of Criminal Justice Services Bureau of Justice Funding (BJF) in the amount of \$55,860, for the period October 1, 2018 through September 30, 2019, and

Whereas, BJF now processes grants through an electronic format.

Now, Therefore, Be It Resolved, That Jefferson County hereby accepts said grant award, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to execute any and all documents as may be required to fulfill the requirements of this grant award on behalf of Jefferson County.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

**Resolution No. 189**

**Amending the 2018 County Budget to Recognize  
Reserve Funds in the District Attorney's Office**

By Legislator: Jennie M. Adsit

Whereas, The District Attorney's Office received equitable sharing funds through asset forfeiture, to be used to purchase equipment and services which will assist in its investigation and prosecution efforts, and

Whereas, Said funds must be recognized in the appropriate budget lines.

Now, Therefore, Be It Resolved, That the 2018 County Budget is hereby amended as follows:

**Increase:**

Revenue:

01116500 94324	Federal Justice Asset Forfeiture	\$10,526.55
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Expenditure:

01116700 02401	Automotive Equipment	\$ 9,996.00
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01116700 04115	Telephone	114.25
01116700 04416	Professional Fees	416.30

Seconded by Legislator: Robert D. Ferris

Roll Call Vote

Ayes: Montigelli, Adsit, McBride, Cantwell, Fitzpatrick, Jareo, Johnson, Nabywaniec, Gray

Nays: Maxon, Peck

Absent: Drake, Reed, Doldo, Ferris

Resolution passed.

**Resolution No. 190**

**Authorizing Agreement with the NYS Division of Homeland Security and Emergency Services in Relation to the Federal Domestic Preparedness Equipment Program and Amending the 2018 County Budget in Relation Thereto**

By Legislator: Jeremiah J. Maxon

Whereas, New York State Division of Homeland Security and Emergency Services has awarded Jefferson County \$52,000, as recipient of a grant, from the FY2017 Hazmat Grant Program (CFDA 97.067) through funding from the Department of Homeland Security's State Homeland Security Program (SHSP).

Now, Therefore, Be It Resolved, That the Board of Legislators hereby authorizes the Chairman of the Board of Legislators to enter into necessary agreements with the NYS Division of Homeland Security and Emergency Services and with Lewis County, subject to approval by the County Attorney as to form and content, and be it further

Resolved, That the 2018 County Budget is amended as follows:

**Increase:**

Revenues

01341000 943204	Federal Homeland Security - Fire/EMO	\$ 52,000
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Expenditures

01341400 02100	Equipment	\$ 16,000
01341400 04514	Uniforms & Clothing	11,000
01341400 04428	Public Safety Services - Other Govt	14,000
01341400 04585	Operating Supplies	11,000

Seconded by Legislator: Patrick R. Jareo

Roll Call Vote

Ayes: Maxon, McBride, Adsit, Nabywaniec, Montigelli, Peck, Johnson, Fitzprick, Cantwell, Jareo, Gray

Absent: Reed, Doldo, Ferris, Drake

Resolution passed.

**Resolution No. 191**

**Authorizing Agreement and Amending the 2018 County Budget in Relation to the FY18 State Homeland Security Program (SHSP) Grant**

By Legislator: Anthony J. Doldo

Whereas, The New York State Division of Homeland Security and Emergency Services has awarded Jefferson County \$97,471 from the FY18 State Homeland Security Program (SHSP)(CFDA 97.067) through funding from the Division of Homeland Security and Emergency Services (DHSES), and

Whereas, The County must enter into an agreement with the New York State Division of Homeland Security and Emergency Services to receive these grant funds which will be used to purchase a Chemical Biological Radioactive Nuclear and Explosives (CBRNE) response vehicle, personal protective and cyber security equipment, cell phone and data service, portable radios and access card security system.

Now, Therefore Be It Resolved, That the County of Jefferson agrees to accept the \$97,471, and the Chairman of the Board of Legislators is hereby authorized and directed to execute said grant agreements on behalf of Jefferson County, subject to the review of the County Attorney as to form and content, and be it further

Resolved, That the 2018 County Budget is amended as follows:

**Increase:**

Revenue		
01341000 943204	Federal Homeland Security - Fire/EMO	\$97,471
Expenditure		
01341400 02101	Computer Equipment	\$10,000
01341400 02401	Automotive	50,000
01341400 04119	Computer Software	10,000

01341400 04111	Trackable Items	5,471
01341400 04115	Telephone	5,000
01341400 04514	Uniforms & Clothing	5,000
01341400 04218	Building Security	12,000

Seconded by Legislator: Patrick R. Jareo

Roll Call Vote

Ayes: Peck, Fitzpatrick, Maxon, Cantwell, Jareo, Nabywaniec, Johnson, Adsit, McBride, Montigelli, Gray

Absent: Drake, Ferris, Reed, Doldo

Resolution passed.

### Resolution No. 192

#### Amending the 2018 County Budget in Relation to Jefferson County's Housing Improvement Program

By Legislator: Anthony J. Doldo

Whereas, Jefferson County has received annual competitive Community Development Block Grant (CDBG) awards from 2007 through 2017 from the New York State Office of Community Renewal to implement and administer a county-wide Housing Improvement Program, and

Whereas, By Resolution 127 of 2017 this Board of Legislators adopted Local Guidelines and Administrative Procedures for implementation and local administration of the program, and

Whereas, Said Guidelines include a requirement that if an owner-occupied unit rehabilitated by CDBG funds through this program is sold within five years of receiving such funds, the owner must make a pro-rata reimbursement to the County, and

Whereas, The County has received such reimbursements in the amounts of \$6,700.85 (Williams) and \$15,000.16 (Barnum) and the 2018 County Budget must be amended to recognize this revenue and appropriate it to the proper account.

Now, Therefore, Be It Resolved, That the 2018 County Budget is hereby amended as follows:

**Increase:**

Revenue

30866800 92170	Community Development Income	\$21,701.01
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Expenditure



30866800 04014

CDBG Housing Rehabilitation

\$21,701.01

Seconded by Legislator: Robert D. Ferris

Roll Call Vote

Ayes: Jareo, Nabywaniec, Cantwell, Adsit, McBride, Peck, Maxon, Montigelli,  
Fitzpatrick, Johnson, Gray

Absent: Doldo, Reed, Drake, Ferris

Resolution passed.

### **Resolution No. 193**

#### **Approving Appointment to the Jefferson County Planning Board**

By Legislator: Patrick R. Jareo

Resolved, That pursuant to Section 239-c of the General Municipal Law, the following individual is hereby appointed to the Jefferson County Planning Board to fill a vacant term to expire December 31, 2019.

Randy Lake

Seconded by Legislator: Jennie M. Adsit

Legislator Jareo said he knew Mr. Lake personally and he is a good guy, a smart businessman and would be an asset on the Planning Board. Legislator Montigelli stated that Mr. Lake was a Trustee on Village of Black River Board for over 10 years, and worked with his wife who was the Village Treasurer. He said Mr. Lake cares about the community and would be a good addition to the Planning Board. All members present voted aye.

### **Resolution No. 194**

#### **Amending the 2018 County Budget Relative to Probation Department**

By Legislator: Patrick R. Jareo

Whereas, Additional appropriations are needed to cover current and projected costs associated with Secure and Non-Secure detention for Juvenile Delinquents as ordered by Jefferson County Family Court and Specialized Secure Detention as ordered by the Youth Part of Criminal Court, through the end of 2018, and

Whereas, The cost for Non-Secure detention is reimbursed at 49% for Jefferson County Juvenile Delinquent cases; at 100% for Out of State Runaway cases, and effective October 1, 2018, at 100% for 16 year old clients placed at Non-Secure Detention or Specialized Secure Detention.

Now, Therefore, Be It Resolved, That the 2018 Jefferson County Budget is hereby amended as follows:

**Increase:**

Revenue

01314000 93313	State Aid Juvenile Detention	\$25,000
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Expenditure

01314000 04420	Non-Secure Detention	\$50,000
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**Decrease:**

Expenditure

01199000 04963	Contingent Account	\$25,000
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Seconded by Legislator: Jeremiah J. Maxon

All members present voted aye.

**Resolution No. 195**

**Authorizing Agreement with NYS Division of Criminal Justice Services  
in Relation to Aid to Defense Program**

By Legislator: Jeremiah J. Maxon

Whereas, The Jefferson County Public Defender's Office has been awarded an Aid to Defense grant from the NYS Division of Criminal Justice Services Bureau of Justice Funding (BJF) in the amount of \$13,100 for the period October 1, 2018 through September 30, 2019, and

Whereas, BJF now processes grants through an electronic format.

Now, Therefore, Be It Resolved, That Jefferson County hereby accept said grant award, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to execute any and all documents as may be required to fulfill the requirements of this grant award on behalf of Jefferson County.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

**Resolution No. 196**

**Accepting Donation for Sheriff's Department K-9 Unit  
and Amending the 2018 County Budget in Relation Thereto**

By Legislator: Patrick R. Jareo

Whereas, The Sheriff's Department has received a donation from the Stanton Foundation.

Now, Therefore, Be It Resolved, That this Board of Legislators does hereby gratefully accept said donation and be it further

Resolved, That the 2018 County Budget is hereby amended as follows:

**Increase:**

Revenue:

01311000 92705	Gifts and Donations	\$ 7,500
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Expenditures:

01311000 02309	Canine	\$ 7,500
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Seconded by Legislator: Robert D. Ferris

Roll Call Vote

Ayes: Adsit, McBride, Fitzpatrick, Montigelli, Johnson, Maxon, Jareo, Peck,  
Nabywaniec, Cantwell, Gray

Absent: Doldo, Reed, Drake, Ferris

Resolution passed.

**Resolution No. 197**

**Authorizing Agreement and Amending the 2018 County Budget in Relation to the State  
FY18 Law Enforcement Terrorism Prevention Program (LETPP) Grant**

By Legislator: Anthony J. Doldo

Whereas, The New York State Office of Homeland Security provides grants to local governments to prepare for terrorist events through funding from the U.S. Department of Homeland Security's Office for Domestic Preparedness, and

Whereas, Jefferson County has been awarded \$32,491 from the FY18 Law Enforcement Terrorism Prevention Program (LETPP) (CFDA 97.067), and

Whereas, Said funds will be used to purchase a new live scan fingerprinting system and encryption software system for the Sheriff's Department, and

Whereas, The County must enter into agreements with the New York State Office of Homeland Security to receive these grant funds, and

Now, Therefore Be It Resolved, That the County of Jefferson agrees to accept the \$32,491 LETPP grant, and be it further

Resolved, That the Chairman of the Board of Legislators be and is hereby authorized to execute said agreements on behalf of Jefferson County, subject to the review of the County Attorney as to form and content, and be it further

Resolved, That The 2018 County Budget is amended as follows:

**Increase:**

Revenue

01311000 943201	Federal Homeland Security - Sheriff	\$ 32,491
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Expenditures

01311400 02100	Equipment	\$ 28,500
01311400 04119	Computer Software	3,991

Seconded by Legislator: Robert D. Ferris

Roll Call Vote

Ayes: Cantwell, Nabywaniec, McBride, Montigelli, Fitzpatrick, Johnson, Maxon, Peck, Adsit, Jareo, Gray

Absent: Ferris, Doldo, Drake, Reed

Resolution passed.

**Resolution No. 198**

**Amending the 2018 County Budget in Relation to Sheriff - Corrections**

By Legislator: Patrick R. Jareo

Whereas, The Sheriff has identified the cost of medical services to inmates is exceeding the budget amounts, and

Whereas, The volume of outboarding inmates is less than anticipated.

Now, Therefore Be It Resolved, That the 2018 County Budget is hereby amended as follows:

**Increase:**

01315000 04413	Medical Fees	\$ 50,000
01315000 04510	Medical Supplies	75,000

**Decrease:**

01315000 04616	Outboarding Inmates	\$125,000
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Seconded by Legislator: Jeremiah J. Maxon

All members present voted aye.

**Resolution No. 199**

**Authorizing an Agreement with the Community Action  
Planning Council (CAPC) to Promote Fair and Equal Housing**

By Legislator: Robert D. Ferris

Whereas, Jefferson County is the grant recipient of U.S. Department of Housing and Urban Development funding from the Community Development Block Grant and HOME Programs, and said funds are committed to housing assistance programs for income eligible County residents, and

Whereas, To ensure compliance with funding requirements the County is obligated to promote and further fair and equal housing opportunities for residents of Jefferson County consistent with federal legislation and regulations, and

Whereas, To accomplish this objective the County has annually entered into a contract for the provision of fair housing services including acting as the County's fair housing office for public education, information and referral, and complaint assistance, and

Whereas, Funds for a fair housing contract are appropriated in the 2018 County Budget.

Now, Therefore, Be It Resolved, That the Chairman of the Board of Legislators is hereby authorized to enter into an agreement, subject to the approval of the County Attorney, with the Community Action Planning Council (CAPC) in an amount not to exceed \$7,500.00 for promoting and furthering fair and equal housing opportunities in the County for the period October 1, 2018 through September 30, 2019.

Seconded by Legislator: Anthony J. Doldo

All members present voted aye.

**Resolution No. 200**

**Amending the 2018 County Budget to Allocate Additional State Aid from NYS OMH  
and to Recognize DSRIP Funding for the Community Services Department**

By Legislator: Jeremiah J. Maxon

Whereas, The New York State Office of Mental Health (NYS OMH) has approved additional State Aid funding for an increase in the bed stipend for the North Country Transitional Living Services Supported Housing Program, and

Whereas, The North Country Initiative Delivery System Reform Incentive Payment (DSRIP) Year 3 incentive payment #2 has been received in the amount of \$377.38 and needs to be allocated for training purposes, and

Whereas, The 2018 County Budget needs to be amended to reflect the additional funds, and an amended agreement authorized for the local provider.

Now, Therefore, Be It Resolved, That the 2018 County Budget is amended as follows:

**Increase:**

Revenue

01431000 93488	State Aid Other Health	\$ 377.38
01431000 93490	State Aid - Mental Health	9,675.00

Expenditures:

01431000 04613	Training	377.38
01432000 04714	NCTLS Reinvestment	\$9,675.00

and be it further

Resolved, That the Community Services Board is hereby authorized to executed any necessary amended agreements related to these additional funds.

Seconded by Legislator: James A. Nabywaniec

Roll Call Vote

Ayes: Jareo, Adsit, Peck, Fitzpatrick, Johnson, Cantwell, McBride, Montigelli,  
Nabywaniec, Maxon, Gray

Absent: Drake, Reed, Doldo, Ferris

Resolution passed.

**Resolution No. 201**

**Amending the 2018 County Budget Relative to Veterans Peer Support (P2P) Program and Authorizing Agreements in Relation Thereto**

By Legislator: Robert D. Ferris

Whereas, By Resolutions 119 and 231 of 2016, 47 and 260 of 2017 Jefferson County accepted funds from the New York State Office of Mental Health (NYS OMH) as well as from the NYS Senate Initiative, for the Veterans Peer Support (P2P) Program (formerly the PFC Joseph Dwyer Peer to Peer Support Program), for the periods of 7/1/2016 - 12/31/2017, and 7/1/2017 - 12/31/2018 and modified the 2016 and 2017 County Budgets to allocate said funds, and authorized agreements with the Jefferson County Mental Health Association, the River Hospital, and the NYS OMH, and

Whereas, Additional state aid in the amount of \$92,500 has been received from the NYS Office of Mental Health, and

Whereas, The funding needs to be recognized and contracts authorized for the 7/1/2018 - 6/30/2019 period.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with the NYS OMH to receive the grant funds, and agreements with the River Hospital and the Mental Health Association for the new funding and to extend the operation of the Veterans Peer Support (P2P) Program, through June 30, 2019, and be it further

Resolved, That the Chairman of the Board of Legislators and the Community Services Director are hereby authorized and directed to execute the above agreements subject to the approval of the County Attorney as to form and content, and be it further

Resolved, that the 2018 County Budget is amended as follows:

**Increase:**

Revenue

01431000 93490	State Aid Mental Health Services	\$92,500
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Expenditure

01432000 04735	Veterans Peer Support	\$92,500
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Seconded by Legislator: Anthony J. Doldo

Roll Call Vote

Ayes: Peck, Jareo, Nabywaniec, McBride, Johnson, Maxon, Fitzpatrick, Montigelli, Cantwell, Adsit, Gray

Absent: Drake, Reed, Doldo, Ferris

Resolution passed.

**Resolution No. 202**

**Authorizing the Commencement of Litigation by Jefferson County for the Purpose of Recovering Costs Associated With the Provision of Public Benefits and Services Associated with Opioid Abuse and Opioid Addicted Individuals.**

By Legislator: Anthony J. Doldo

Whereas, Opioid abuse has become a local problem no less than it has on the state and nationwide scale, and

Whereas, Jefferson County and regional addiction treatment programs report significant increases in opioid addiction cases in recent years resulting from both prescription drug abuse as well as illicit substance abuse, and

Whereas, The impact on government functions and expenditures, direct and indirect, resulting from opioid abuse is almost incalculable, including burdens on the social services, addiction services, mental health services, law enforcement, the courts, health care, and the penal system, and

Whereas, The Board of Legislators has a fiduciary duty to the taxpayers to attempt to recoup the above expenditures, if possible, through any reasonable means at its disposal. Multiple municipal entities in New York State and throughout the nation have commenced lawsuits against one or more manufactures of opioid prescription drugs seeking compensations on several theories of recovery, and

Whereas, Several suitably staffed and experienced law firms are currently representing other New York State Counties and are available to evaluate Jefferson County's potential damages and causes of action subject to review, approval, and retention by the County Attorney as outside counsel for the County.

Now, Therefore, Be It Resolved, That the Board of Legislators hereby authorizes the commencement of litigation for the purpose of recovering costs incurred by Jefferson County associated with the provision of benefits and services for opioid abuse or addiction and directs the County Attorney to retain counsel for said purpose.



Seconded by Legislator: Robert D. Ferris

Legislator Jareo stated that there is no doubt there is a problem in our society, but it seems like with this resolution we are trying to find a scapegoat when there is plenty of blame to go around in a lot of different sectors of our society. He found it difficult to blame a company who markets to licensed professionals and not directly to the public, and while they may have some responsibility, suing them directly as a municipality is not the right thing to do. He thought it better to be looking at Albany and the federal government and their laws and policies that perpetuate this type of problem in our communities, and for those reasons he could not support the resolution.

Legislator Montigelli agreed with what Legislator Jareo said and strongly supports personal responsibility, however, his personal experience is that even though it goes through a licensed professional there seems to be a lack of responsibility. His wife was prescribed pain medication and had a reaction to a few of them, but when he went to fill another prescription for her they had refills of the drugs she was no longer taking available ready to give him and no one seemed to be keeping track of it. He said the problem is that capitalism becomes greed and while he initially supports capitalism, when companies are only concerned about how much money they are going to make, not the impact on society and any ripple effect on government who is left to take care of the problems, it has gone too far.

Legislator Maxon stated that the one thing in common with everyone in the room is that at one point or another all of us has been prescribed an opioid, however everyone is not addicted to the drug, it is a very small percentage of those who take those drugs that do become addicts. He agreed that addiction is clearly a problem, it is just not nearly as large of a problem as the media has made it out to be. For example, in a recent article about how great the impact is on businesses, a report from the National Safety Council was quoted as saying 7 out of 10 businesses had to deal with drug abuse in their offices, but if you look at the methodology of the study four of the businesses just reported that someone took a prescription drug at their place of work. He said the problem is bad enough, we don't need to inflate numbers. He said 70,000 people died in 2017 from taking some sort of drug, in comparison 80,000 people died of diabetes and 635,000 people died of heart disease but we are not, nor should we be, suing soda manufacturers and fast food restaurants for the fattening, unhealthy drinks and food. He said with all due respect to his colleagues, drug manufacturers did do some direct advertising, but you need to ask your doctor, as the doctor decided whatever drug was prescribed was a best fit for your symptoms. He asked why we are not suing every licensed physician for prescribing these medications because they were not counseling their patients. He said there are so many people to blame, and drug companies may have engaged in sleazy tactics, but going after a drug manufacturer who makes life-saving drugs was unethical and immoral. He said it comes down to personal responsibility, which keeps cars, guns, alcohol and drugs used properly. He was glad to hear from the people who spoke tonight, but he feared that their story is not as common as the media would have you believe, and felt the resolution was the wrong tactic to take and said he could not support it.

Legislator Fitzpatrick related personal experience she had with opioids many years ago when she had a brain tumor, saying that she was one of the lucky ones who was able to get away from the prescriptions, and she has been very specific since that time with any prescriptions when major surgery is involved. She also related experiences she had with family members who are addicts and how it is not an easy road, but each and every time, they had a choice. She spoke to her son, Tom who is a physician who said you can't blame the guys who make the drugs, it is not right; there are doctors out there prescribing it carelessly. She said in good conscience she can not support the resolution as it is not the manufacturer's fault.

Legislator Peck said it is not an issue we should take lightly and was glad for the spirited debate. He said you have to look at the community and how it has impacted individuals, and peel back to where it begins, there is a chain of causality. The County is focused on the affects to the end user and how that has impacted us as a taxing entity and a social services delivery system, and that is where our part comes into this in seeking compensation for out of norm costs. There are doctors who have certainly greatly abused prescriptions realizing how addictive it was and capitalizing on it, and as a result communities and whole states (West Virginia) have been severely impacted. He said Purdue Pharma has already been sued and lost in court, so that was the impetus for the current lawsuits. You need to look at when they knew how addictive it was and when their marketing ramped up. The root cause is that Purdue Pharma created the drug, it is helpful and he did not want it removed from distribution; we have done the reactionary things like states restricting dosages, and warning labels being placed on it, but the problem is still out there in the community. From the evidence he has seen he has no doubt that this company deliberately did false advertising, false marketing and down played the destructive nature of the drug and the potential harm it could cause to individuals taking it. He wanted this taken to court as he did not agree that a corporate citizen should get away with this type of harm. Doctors take a Hippocratic oath to "do no harm" and the drug companies turned doctors into their agents of death for their profit. He urged legislators to support the resolution.

Chairman Gray called for a Roll Call Vote on Resolution No. 202.

Roll Call Vote

Ayes: Johnson, Nabywaniec, Adsit, Cantwell, Montigelli, Peck, Gray

Nays: McBride, Maxon, Jareo, Fitzpatrick

Absent: Ferris, Doldo, Reed, Drake

Resolution defeated.

### **Resolution No. 203**

#### **Amending the 2018 County Budget to Recognize DSRIP Funding for the Public Health Department**

By Legislator: Anthony J. Doldo

Whereas, A new preparedness mandate requires that the Jefferson County Public Health Service have a contingency communication system in place, and also to ensure the safety of our health professionals making home visits, and

Whereas, The North Country Initiative Delivery System Reform Incentive Payment (DSRIP) Year 3 Incentives payment #2 has been received in the amount of \$30,057.39 and needs to be allocated to purchase 30 additional radios for home care use and to meet the requirement of an alternative communication system for emergency use.

Now, Therefore, Be It Resolved, That the 2018 County Budget is amended as follows:

**Increase:**

Revenue		
01405000 93488	State Aid Other Health Revenue	\$30,057.39

Expenditure		
01405000 04111	Trackable Durable Expenditures	\$30,057.39

Seconded by Legislator: James A. Nabywaniec

Roll Call Vote

Ayes: Jareo, McBride, Maxon, Johnson, Fitzpatrick, Adsit, Montigelli, Peck, Nabywaniec, Cantwell, Gray

Absent: Ferris, Reed, Doldo, Drake

Resolution passed.

**Resolution No. 204**

**Establishing Charges for Certain Public Health Services**

By Legislator: Allen T. Drake

Resolved, That, pursuant to Public Health Law Article 3, Section 356 Counties, new charges effective January 1, 2019, shall be as follow for the listed discipline of home health care provided by the Public Health Service:

<u>Discipline</u>	<u>Established Charges</u>
Nursing per visit	\$230

Seconded by Legislator: James A. Nabywaniec

All members present voted aye.

**Resolution No. 205**

**Authorizing Agreement with Allscripts ePrescribe**

By Legislator: Anthony J. Doldo

Whereas, The Public Health Service is mandated by the New York State Department of Health to electronically prescribe both controlled and non-controlled substances, and

Whereas, Prescriptions for clinic patients have been sent to pharmacies through an electronic prescribing website at no charge until now, and

Whereas, There are no longer free applications to fulfill this function, and

Whereas, Allscripts ePrescribe Basic Edition will ensure the Public Health Service maintains compliance with the electronic prescribing mandate.

Now, Therefore, Be It Resolved, That Jefferson County enter into an agreement with Allscripts for the ePrescribe Basic Edition at \$9 per month per practitioner for the period of 10/2/18 - 10/1/23, and be it further

Resolved, That the Chairman of the Board of Legislators is hereby authorized and directed to execute said agreement subject to approval by the County Attorney as to form and content.

Seconded by Legislator: Robert D. Ferris

All members present voted aye.

**Resolution No. 206**

**Amending the 2018 County Budget in Relation to Department of Social Services**

By Legislator: Allen T. Drake

Whereas, The Department of Social Services HEAP program had a midyear adjustment that exceeds current appropriation, and

Whereas, Funds are needed to pay for this service and are available within the DSS budget for transfer.

Now, Therefore, Be It Resolved, That the 2018 County Budget is amended as follows:

**Increase:**

016141000 04600	HEAP	\$8,000
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**Decrease:**

01607000 04604	Client Services	\$8,000
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Seconded by Legislator: Robert D. Ferris

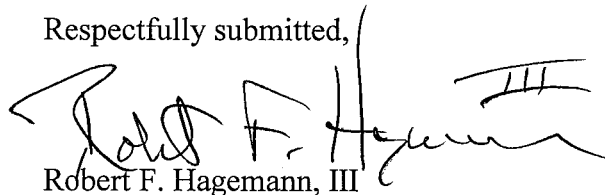
All members present voted aye.

Legislator Jareo apologized to Legislator Peck for the verbal reaction he had during Legislator Peck's comments concerning the opioid lawsuit resolution, as it was unprofessional.

Legislator Montigelli reported that the NYSAC Fall Conference he and Legislators Cantwell, Johnson and Chairman Gray attended was informative. He said as a NYSAC Finance Committee member he learned of tax legislation details he otherwise would not have known, and also attended the Intergovernmental Shared Services Committee, chaired by Mr. Hagemann, and learned that the frugal counties already had shared services in place and can not get credit for it, but downstate counties had no idea where to even begin. There were sessions offered on Raise the Age, the opioid epidemic, a Narcan training session so you can be qualified to administer it, trends in sales tax, and the 2020 census and how it will affect County government. He felt the conference was very useful overall.

There being no further business to come before the Board, on a motion by Legislator Maxon seconded by Legislator Jareo and unanimously carried, the meeting was adjourned at 6:55 p.m.

Respectfully submitted,



Robert F. Hagemann, III  
Clerk of the Board