

**Special Council Meeting
MONDAY, November 15, 2021
6:00 p.m.**

REMOTE ZOOM

****COVID-19 procedures in effect****

Live via [Facebook@http://Facebook.com/lackawannany](https://www.facebook.com/lackawannany)

**No Caucus Required at Special Meetings
Only Agenda Items May be Acted Upon**

Meeting called to order/Pledge of Allegiance.

NB: Meeting being recorded.

**Roll Call: Council: Ingram, Szymanski, Moretti, Surdyke, Marrano
Dept. Heads: Law Department**

Communications from the Council:

Requests Special Meeting of the Council on Monday, November 15, 2021.

1. To: Honorable Council Members
714 Ridge Road
Lackawanna, NY 14218

Dear Colleagues,

As per the City Attorney, I am respectfully requesting a Special Meeting of the City Council for Monday, November 15, 2021 at 6:00 p.m. via remote zoom.

Timing is of the essence for this meeting and the item received from the City Attorney cannot wait until our next scheduled meeting on November 22, 2021.

Thank you for your time and consideration in this matter.

Respectfully,

FREDERIC J. MARRANO, COUNCIL PRESIDENT

Moved by Szymanski seconded by Marrano to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution Authorizing the Mayor to Execute any and all Settlement Agreements as Recommended by the Cherundolo Law Firm and the City Attorney to Effectuate an Opioid Settlement Agreement.

2. To: Lackawanna City Council
714 Ridge Road
Lackawanna, NY 14218

Re: Opioid Settlement Agreements

Hon. Council Members:

As you may know the City of Lackawanna is a plaintiff in claims brought against numerous opioid manufacturers, distributors, pharmacies and others who were involved in manufacturing or distributing or selling opioids. The City of Lackawanna retained Cherundolo Law Firm out of Syracuse New York who has filed state court actions on behalf of the city as well as other political subdivisions. A substantial

number of these claims have been consolidated and filed or transferred to federal court because of their class action status. In addition the State of New York has passed legislation recently limiting a municipality's ability to pursue independent claims and the Atty. Gen. of the State of New York is also overseeing a number of these claims.

Attached is a subdivision settlement participation form, a New York subdivision election and release form and a New York Opioid settlements sharing agreement. In order for the City of Lackawanna to participate in settlements against four of the defendants who are distributors our Syracuse counsel has recommend that the city execute the attached and return to them by Tuesday, November 16.

Under a settlement agreement reached with 4 of the distributors the city will receive payments of about \$68,186. These payments will be paid over an 18 year period. Also the money paid must be used in accordance with the terms of the settlement agreement for opioid or substance use disorder related projects or programs. The agreement also provides that the city will on an annual basis account for any monies received and how those monies were spent. Due to the time sensitivity of this matter I am asking that the Council hold a special meeting on Monday, November 15 to authorize the Mayor to sign the attached agreements. In addition I am asking for Council Approval for the Mayor to sign and enter into any other related settlement agreements as future claims are resolved.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

A copy of this information may be obtained by contacting the City Clerk's office.

Moved by Marrano seconded by Moretti to receive and file, act on resolution as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 30, 2021

Whereas, the people of the City of Lackawanna and the people of the State of New York and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the opioid supply chain; and

Whereas, the City of Lackawanna has retained the Cherundolo Law Firm to file claims on the city's behalf to recover monies spent treating and fighting this horrible epidemic that has affected our community; and

Whereas, claims against four (4) of the distributors are about to be settled

Now, therefore be it

Resolved that the Mayor is hereby authorized to execute any and all settlement agreements as recommended by the Cherundolo Law Firm and the City Attorney to effectuate settlements on the City's behalf; and be it further

Resolved that the Mayor is authorized to enter into a New York opioid settlement sharing agreement, a New York subdivision election and release form and a subdivision settlement participation form to effectuate a settlement with four (4) distributors; and be it further

Resolved that the Mayor is authorized to sign any and all other agreements necessary to effectuate settlement in the amount of \$68,186.00 with Johnson & Johnson, McKesson Corporation, Cardinal Health, Inc., and Amerisource Bergen Drug Corporation.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: November 15, 2021
Lackawanna, New York

Moved by Marrano seconded by Et al. to adopt resolution as written.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Adjournment:

Moved by Marrano seconded Szymanski to adjourn meeting.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano-Council President

Jeffrey P. DePasquale - City Clerk