



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Catherine Borgia

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Wednesday, April 21, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committee on Law & Major Contracts

With a quorum present, Chair Borgia called the meeting to order at 10:12 AM.

Pursuant to Governor Andrew Cuomo's Executive Order No. 202.1, "Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency," which temporarily suspends portions of the New York State Open Meetings Law.

A section of the order, "Suspension of law allowing the attendance of meetings telephonically or other similar services," provides for the suspension of "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

Others in attendance: BOL: Kitley Covill BOL Remote: Colin Smith, MaryJane Shimsky, Jose Alvarado Committee Coordinators: Jill Axelrod and Alie Restiano, Lisa Hochman LAW: John Nonna, Loren Zeitler

Present: Committee Chair Borgia, Legislator Barr, Legislator Boykin and Legislator Maher

Absent: Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Johnson and Legislator Woodson-Samuels

Remote: Legislator Parker, Legislator Tubiolo, Legislator Walter and Legislator Williams

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2021-265](#) **ACT - Retention of law firm Napoli Shkolnik PLLC**

AN ACT authorizing the retention of the law firm of Napoli Shkolnik PLLC to be of counsel to the County Attorney in an action on behalf of the County of Westchester against certain generic pharmaceutical companies and others who fixed prices, allocated markets, and engaged in antitrust violations, which resulted in the overpayment for generic drugs by Westchester County.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guests: County Attorney John Nonna and Senior Assistant County Attorney Loren Zeitler

Mr. Nonna and Ms. Zeitler advised that the County wants to join an action filed by the law firm of Napoli Shkolnik on behalf of 14 New York Counties against generic pharmaceutical companies for price fixing and antitrust violations. The County Attorney's office does not have the resources to maintain such a large, complex action, and wants to retain Napoli Shkolnik to be of counsel. With a motion by Legislator Maher seconded by Legislator Boykin, the committee went into executive session to discuss litigation strategy at 10:31 a.m. With a motion by Legislator Maher seconded by Chairman Boykin, the committee came out of executive session at 10:48 a.m.

On motion of Legislator Maher, seconded by Legislator Boykin, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Legislator Maher, Legislator Parker, Legislator Walter and Legislator Williams

Absent: Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Johnson and Legislator Woodson-Samuels

Away: Legislator Tubiolo

2. [2021-266](#) **ACT - CA to join County of Westchester as Plaintiff (Generic Pharm Companies)**

AN ACT authorizing the County Attorney to join the County of Westchester as plaintiff in an action against certain generic pharmaceutical companies and others who fixed prices, allocated markets, and engaged in antitrust violations, which resulted in the overpayment for generic drugs by Westchester County.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guests: County Attorney John Nonna and Senior Assistant County Attorney Loren Zeitler

On motion of Legislator Maher, seconded by Legislator Williams, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Borgia, Legislator Barr, Legislator Boykin, Legislator Maher, Legislator Parker, Legislator Walter and Legislator Williams

Absent: Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Johnson and Legislator Woodson-Samuels

Away: Legislator Tubiolo

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Maher, seconded by Legislator Boykin, the Committee adjourned at 10:54AM.