

SPECIAL SESSION-WEDNESDAY, JANUARY 25, 2023

The Yates County Legislature convened in special session Wednesday, January 25, 2023 at 10:00 a.m. with Chairwoman Church presiding, Mr. Button at 10:07 a.m., Mr. Willson at 10:30 a.m., Mr. Holgate on Zoom, Mr. Morris absent, Mrs. Percy absent, and Ms. Flynn on Zoom.

Chairwoman Church turned the floor over to Mr. Doug Rapalee, Highway Superintendent.

Mr. Rapalee presented the updated/proposed budget for the New Highway/OES/Public Health facility & Fuel Island and the proposed values for Contingency & Allowance Authorizations procedures:

| Yates County Highway Department / Office of Emergency Services / Public Health Facility | | | | |
|--|---|--|---|--|
| Proposed Construction / Project Budget as of 1.25.2023 | | | | |
| Budget Figures are based on C&S 95% Design Documents, 1/20/2023 Updated Watchdog Estimate and additional information received 1/23/2023 by E-mail. | | | | |
| | Total Project Cost With Contingencies & Alternates included | With Contingencies & Alternates but no Fuel Island (Previously Approved) | With No Contingencies / Allowances & No Fuel Island (Previously | |
| New Facility; | | | | |
| General Conditions | \$ 2,724,242.00 | \$ 2,724,242.00 | \$ 2,724,242.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Sitework | \$ 3,910,000.00 | \$ 3,910,000.00 | \$ 3,910,000.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Demolition | \$ 372,649.00 | \$ 372,649.00 | \$ 372,649.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Concrete | \$ 1,821,697.00 | \$ 1,821,697.00 | \$ 1,821,697.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Masonry | \$ 347,421.00 | \$ 347,421.00 | \$ 347,421.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Metals | \$ 86,859.00 | \$ 86,859.00 | \$ 86,859.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Wood & Plastics | \$ 44,556.00 | \$ 44,556.00 | \$ 44,556.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Doors & Windows | \$ 195,347.00 | \$ 195,347.00 | \$ 195,347.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Finishes | \$ 748,244.00 | \$ 748,244.00 | \$ 748,244.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Specialties | \$ 65,371.00 | \$ 65,371.00 | \$ 65,371.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Furnishes | \$ 55,989.00 | \$ 55,989.00 | \$ 55,989.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Special Construction (PEMB) | \$ 2,658,989.00 | \$ 2,658,989.00 | \$ 2,658,989.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Sander Storage Building | \$ 175,000.00 | \$ 175,000.00 | \$ 175,000.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Plumbing/FP (Division 21 & 22) | \$ 1,040,000.00 | \$ 1,040,000.00 | \$ 1,040,000.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| HVAC (Division 23) | \$ 1,945,000.00 | \$ 1,945,000.00 | \$ 1,945,000.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Electrical (Division 26) | \$ 1,969,596.00 | \$ 1,969,596.00 | \$ 1,969,596.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |

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|---|---------------|---------------|---------------|---|
| Salt Barn (Misc. Structures); | | | | |
| General Conditions | \$ 167,326.00 | \$ 167,326.00 | \$ 167,326.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Sitework | \$ - | \$ - | \$ - | Salt barn sitework costs included in Sitework budget above per Watchdog 1/23/23 e-mail. |
| Framing & Fabric | \$ 75,000.00 | \$ 75,000.00 | \$ 75,000.00 | Preliminary Assumed Budget |
| Concrete | \$ 573,381.00 | \$ 573,381.00 | \$ 573,381.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Renovations (Bldg. 5 through 7); | | | | |
| General Conditions | \$ 62,509.00 | \$ 62,509.00 | \$ 62,509.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Demolition & Alterations | \$ 250,588.00 | \$ 250,588.00 | \$ 250,588.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Doors & Windows | \$ 33,336.00 | \$ 33,336.00 | \$ 33,336.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Metal Siding | \$ 151,500.00 | \$ 151,500.00 | \$ 151,500.00 | Budget included per Watchdog 1/23/23 e-mail. |
| Finishes | \$ 83,779.00 | \$ 83,779.00 | \$ 83,779.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Storage Building (Building 8); | | | | |
| General Conditions | \$ 18,105.00 | \$ 18,105.00 | \$ 18,105.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Demolition | \$ 46,950.00 | \$ 46,950.00 | \$ 46,950.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Doors & Windows | \$ 20,239.00 | \$ 20,239.00 | \$ 20,239.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |
| Metal Siding | \$ 82,500.00 | \$ 82,500.00 | \$ 82,500.00 | Budget included per Watchdog 1/23/23 e-mail. |
| Finishes | \$ 39,312.00 | \$ 39,312.00 | \$ 39,312.00 | Budget Taken from Watch Dog estimate received 1/20/2023. |

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| Items Unaccounted for; | | | | |
| Controls Equipment Budget | \$ 100,000.00 | \$ 100,000.00 | \$ 100,000.00 | Budget included as recommended by C&S/Watchdog. |
| Asbestos Abatement | \$ 150,000.00 | \$ 150,000.00 | \$ 150,000.00 | C&D Demo & Disposal included in above. Need Final Haz-mat report to make final determination. |
| Replacement of 24" NYSDOT Storm Line | \$ - | \$ - | \$ - | Work may be required as part of our NYSDOT Highway Access Permit. Costs carried in Sitework budget per Watchdog e-mail on 1/23/23. |
| Total Building Construction Cost | \$ 20,015,485.00 | \$ 20,015,485.00 | \$ 20,015,485.00 | |
| Fuel Island; | | | | |
| Fuel Island - General Construction | \$ 1,561,023.00 | | | Contractual Value with LaValley Brothers |
| Fuel Island - Allowance | \$ 50,000.00 | | | Allowance included in LaValley Brothers contract |
| Total Fuel Island Construction Cost; | \$ 1,611,023.00 | \$ - | \$ - | |
| Total Construction Cost; | \$ 21,626,508.00 | \$ 20,015,485.00 | \$ 20,015,485.00 | |
| Other; | | | | |
| C&S (Engineering Services) | \$ 900,000.00 | \$ 900,000.00 | \$ 900,000.00 | C&S Original Contract Amount; |
| C&S (Additional Services) | \$ 150,000.00 | \$ 150,000.00 | \$ 150,000.00 | C&S Additional Services; Cost Estimate by Trophy Point, Environmental Review (3 Properties), etc. |
| Watchdog Building Partners (CM) | \$ 570,500.00 | \$ 570,500.00 | \$ 570,500.00 | Watchdog Building Partners Original Contract |
| Additional CM Services (Trailer + 3 months) | \$ 125,000.00 | \$ 125,000.00 | \$ 125,000.00 | CM Office Trailer plus 3 months of Services (20 month schedule vs. 17 month schedule). |
| Special Inspections Consultant | \$ 175,000.00 | \$ 175,000.00 | \$ 175,000.00 | Preliminary Assumed Budget |
| Property Acquisitions | \$ 650,000.00 | \$ 650,000.00 | \$ 650,000.00 | Purchase of Houses = \$624,200. Balance for any associated Closing costs. |
| FF&E Budget (Furniture & Equipment) | \$ 150,000.00 | \$ 150,000.00 | \$ 150,000.00 | Preliminary Assumed Budget |
| Appliances | \$ - | \$ - | \$ 20,000.00 | Preliminary Assumed Budget |
| NYSEG - New Electrical Service | \$ 250,000.00 | \$ 250,000.00 | \$ 250,000.00 | Preliminary Assumed Budget |
| Total Other; | \$ 2,970,500.00 | \$ 2,970,500.00 | \$ 2,990,500.00 | |

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|---|-------------------------|-------------------------|-------------------------|--|
| Contractor Allowances; | | | | |
| Bid Package #1; Sitework; | \$ 50,000.00 | \$ 50,000.00 | | |
| Bid Package #2; Demo & Abatement; | \$ 25,000.00 | \$ 25,000.00 | | |
| Bid Package #3; General Construction; | \$ 50,000.00 | \$ 50,000.00 | | |
| Bid Package #3; General Construction; | \$ 25,000.00 | \$ 25,000.00 | | Dumpster Allowance as recommended by Watchdog. |
| Bid Package #4; Plumbing & Fire Protection; | \$ 20,000.00 | \$ 20,000.00 | | |
| Bid Package #5; Mechanical; | \$ 20,000.00 | \$ 20,000.00 | | |
| Bid Package #6; Electrical; | \$ 20,000.00 | \$ 20,000.00 | | |
| Total Contractor Allowances; | \$ 210,000.00 | \$ 210,000.00 | | |
| Proposed Project Alternates; | | | | |
| Alternate #1; Air Compressor & Filling Station | \$ 75,000.00 | \$ 75,000.00 | | Supply & install of SCBA Bottle Air Compressor & Filling Station; Infrastructure will be Base Bid. PYPD has current bid of \$-/-65K for this equipment. |
| Alternate #2; Electric Vehicle Charging Stations | \$ 27,000.00 | \$ 27,000.00 | | Supply & install of three (3) Electric Vehicle Charging Stations; Infrastructure will be Base Bid. County paid \$7,100/unit previously. Assuming \$9,000 each. |
| Alternate #3; Replacement of Overhead Doors | \$ 126,000.00 | \$ 126,000.00 | | Replacement of all Overhead Door at Building 5, 6, 7 and 8. Assuming \$9,000 per Opening based on off a June 2022 estimate from Martin's OH Door. |
| Alternate #4; Renovations of Existing Buildings | Included above | Included above | | New Siding, Doors, Windows, MEP Upgrades, etc. Some MEP Upgrades & Doors replacements will be base bid. Alternate Budget = \$750K to \$800K. |
| Alternate #5; Appliances | \$ 20,000.00 | \$ 20,000.00 | | Supply & install of all Kitchen Appliances (Refrigerators, Microwaves, etc.) |
| Alternate #6; Furniture, Fixtures & Equipment | Included above | Included above | | Supply & install of all Furniture for the new facility based on C&S drawing A-702. |
| Total Alternates; | \$ 248,000.00 | \$ 248,000.00 | \$ - | |
| Total Construction + Other + Allowances + Alterr | \$ 25,055,008.00 | \$ 23,443,985.00 | \$ 23,005,985.00 | |
| Project Contingency (5%) | \$ 1,252,750.40 | \$ 1,172,199.25 | | Preliminary Assumed Budget based off advisement from Watchdog. |
| Grand Total | \$ 26,307,758.40 | \$ 24,616,184.25 | \$ 23,005,985.00 | |
| Total | \$ 26,307,758.40 | | | |
| NYSEG - New Natural Gas Services | \$ 1,250,000.00 | | | Preliminary Assumed Budget; Awaiting cost estimate from NYSEG. Cost will be reviewed at a later date when received from NYSEG. |
| Grand Total w/ NYSEG Gas Service | \$ 27,557,758.40 | | | |

Values proposed to PWC Ad-Hoc Committee / Legislature for Contingency & Allowance Authorizations;

Contractor Allowances; Funds that will be included in the Contractor's Price for disbursement upon approval of a change order.

\$0.01 to \$2,499; Allowance Authorization allowed by Highway Superintendent with confirmation and buy-in of the change from the Buildings & Grounds Supervisor, C&S, Watchdog & County Administrator. Funds will come from the Allowance line item within the Prime Contractor's existing contract.

\$2,500 to \$4,999; Allowance Authorization allowed by Highway Superintendent with confirmation and buy-in of the change from the Buildings & Grounds Supervisor, C&S, Watchdog, County Administrator & Ad-hoc Legislative Committee members. Funds will come from the Allowance line item within the Prime Contractor's existing contract.

\$5,000 to \$9,999; Allowance Authorization by Full Legislature with confirmation and buy-in of the change by Highway Superintendent, the Building & Grounds Supervisor, C&S, Watchdog & County Administrator. Funds will come from the Allowance line item within the Prime Contractor's existing contract.

Project Contingency;

Any changes \$10,000 and over will be by a fully reviewed change order with required approval by the by Full Legislature with confirmation and buy-in of the change by Highway Superintendent, the Buildings & Grounds Supervisor, C&S, Watchdog & County Administrator. Funds would come from the Project Contingency line item requiring a full AIA change order.

If and when a contractor's allowance line item is fully expended, all changes for that contract, if required, would come from the Project contingency fund.

The following revisions were made this morning to the budget that was previously sent Friday afternoon, January 20th:

- (1) Removed the \$50,000 budget for the NYSDOT Storm Line; This was carried in the \$3.9M Sitework budget per Watchdog.
- (2) Removed the \$410,887 budget for the Salt barn sitework; These funds were doubled up and carried in the \$3.9M Sitework budget per Watchdog.
- (3) Added \$234,000 for the Metal Siding associated with the Renovation Portion of the Project (Buildings 5,6,7 and 8).
 - a. Assume \$15.00/sf per Watchdog @ 5,500 sf (Building 8) = \$82,500
 - b. Assumed \$15.00/sf per Watchdog @ 10,100 sf (Building 5, 6 and 7) \$151,500.
 - c. Renovation Budget (Alternate #4) could range between \$750,000 to \$800,000.
- (4) Added \$75,000 for the cost for Framing & Fabric for the Salt Barn structure. This is an assumed budget.

The Legislature had discussion and asked questions, specifically how they could cut costs.

Audio of presentation/full discussion is available at www.yatescounty.org .

RESOLUTION NO. 26-23

Mr. Bronson offered the following resolution and moved its adoption, seconded by Mr. Killen.

AUTHORIZE AND APPROVE AN OPIOID SETTLEMENT AGREEMENT (TEVA)

WHEREAS, the County of Yates (hereinafter referred to as “County”) is a named plaintiff in a civil action regarding the opioid addiction crisis, against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies (said civil action hereinafter referred to as the “Action”); and

WHEREAS, the County’s attorney in the Action is the law firm of Napoli Shkolnik, PLLC (hereinafter referred to as “Napoli Shkolnik”); and

WHEREAS, the Action alleges several causes of action against defendants (i) Teva Pharmaceutical Industries Ltd. and (ii) all of its respective past and present direct or indirect parents, subsidiaries, divisions, affiliates, joint ventures, predecessors, successors, assigns, including but not limited to Teva Pharmaceuticals USA, Inc., the Actavis Generic Entities, and Anda, Inc. (hereinafter collectively referred to as “Teva”) based on claims that Teva contributed to the opioid epidemic by way of harming communities by misfeasance, nonfeasance and malfeasance, all of which contributed to a public health crisis in the County; and

WHEREAS, Teva has offered to settle the County’s claims against it by paying the total collective sum of approximately \$138,636.40 over a period of years; and

WHEREAS, the County wishes to resolve this matter with respect to Teva without further litigation and enter into such settlement with Teva, wherein it will settle all allegations against Teva and avoid protracted litigation; and

WHEREAS, in order to effectuate the County's settlement with Teva, the County would need to execute three proposed documents, namely: a) Teva New York Global Payment Opioid Settlement Sharing Agreement, b) Teva New York Premium Payment Opioid Settlement Sharing Agreement and c) New York Subdivision Settlement Participation Form (hereinafter collectively referred to as the "Settlement Agreement"), and said Settlement Agreement having been submitted to members of the Yates County Legislature prior to its meeting held this 25th day of January, 2023, for its consideration;

NOW, THEREFORE, BE IT RESOLVED, that the form and substance of the aforementioned Settlement Agreement is hereby approved, and the County is authorized to enter into said Settlement Agreement; and be it further

RESOLVED, that in light of the foregoing, the Chairman of the Legislature is hereby authorized on behalf of the County, to execute and deliver the Settlement Agreement, in a form substantially similar thereto, and execute and deliver such other documents as may be necessary and appropriate to effectuate the settlement with Teva; and be it further

RESOLVED, that moreover, and in light of the foregoing, Napoli Shkolnik is also hereby authorized on behalf of the County, to execute and deliver the Settlement Agreement, in a form substantially similar thereto, and execute and deliver such other documents as may be necessary and appropriate to effectuate the settlement with Teva; and be it further

RESOLVED, that copies of this resolution be given to the County Administrator, County Attorney, Napoli Shkolnik PLLC and any other person/entity deemed necessary.

VOTE: Unanimous

Mr. Bronson moved to enter into executive session to discuss:

1. The employment history of a particular individual with Legislators Present.
Seconded by Mrs. Chilson.

VOTE: Unanimous

Meeting adjourned at 12:13 p.m.