

**MADISON COUNTY BOARD OF SUPERVISORS
SPECIAL BOARD MEETING – Monday, November 22, 2010**

The Board convened at 10:00 a.m. in the Supervisors Chambers, second floor, County Office Building, Wampsville, New York with all members present except for Supervisor Bono (63 votes) and Supervisor Reinhardt (64 votes).

Pledge of Allegiance.

RESOLUTIONS

By Supervisor Suits:

RESOLUTION NO. 406-10

REQUESTING THE WAIVER OF RULE NO. 24-A

WHEREAS, Rule No 24-A requires that all resolutions be introduced by the Chairman of the Legislative Board having jurisdiction after having been filed with the Chairman at least ten (10) days prior to the meeting at which time it is to be introduced;

NOW, THEREFORE, BE IT RESOLVED, that portion of Rule No. 24-A calling for all resolutions to be first filed with the Chairman of the appropriate committee ten (10) days prior to the meeting, is hereby waived to the extent of such time limitation for the balance of this meeting; providing however, that to the extent not hereby specifically waived all such rules remain in full force and effect.

ADOPTED: AYES – 1373 NAYS – 0 ABSENT – 127 (Bono, Reinhardt)

By Supervisor Becker:

RESOLUTION NO. 407-10

**AUTHORIZING THE CHAIRMAN TO ENTER INTO AN AGREEMENT
OF SETTLEMENT TO RESOLVE THE STOCKBRIDGE-MUNSEE
LAND CLAIMS AND RELATED MATTERS**

WHEREAS, in 1986, the Stockbridge-Munsee Community (the “Tribe”) filed an ejectment suit in the United States District Court for the Northern District of New York against various state officials and departments, counties, and municipalities alleging that through a series of fifteen land-purchase agreements between 1818 and 1847 the State illegally dispossessed the Tribe of its interest in land in the Stockbridge Claim Area and claiming a right to damages and possession of land and natural resources within the Stockbridge Claim Area;

WHEREAS, the State, Madison County, Oneida County, the Towns of Lincoln, Stockbridge, Smithfield, Vernon and Augusta (the “Town Defendants”) and the Village of Munnsville denied the material allegations of the Tribe’s complaint in the ejectment suit including, without limitation, the alleged illegal dispossession of the Tribe and the alleged existence of a reservation in the Stockbridge Claim Area;

WHEREAS, the Stockbridge Land Claim has raised issues about the status of the land in the Stockbridge Claim Area owned by thousands of landowners, citizens and a number of communities in the State of New York;

WHEREAS, the State, Madison County, Oneida County, the Town Defendants, the Village of Munnsville and the Tribe believe it is in their mutual best interests to settle the claims that have been asserted by the Tribe in its Stockbridge Land Claim and any other claims of the Tribe with respect to any other land in New York and to cause the Stockbridge Land Claim to be dismissed;

WHEREAS, the United States and the Tribe believe it is in their mutual best interests to settle the claims that have been asserted by the Tribe in its suit against the Secretary of Interior and others in the United States District Court for the Southern District of New York challenging the denial of the Tribe’s Part 151 land-to-trust application in Sullivan County and the Department’s delay in issuing a Final Environmental Impact Statement; and,

WHEREAS, the United States, in its capacity as trustee, acknowledges in the Agreement the Tribe’s decision to dismiss the Stockbridge Land Claim with prejudice, and the Tribe’s agreement never to apply to have land taken into trust or accept land in trust in Madison or Oneida County, in return for the substantial benefits that will flow to the Tribe as a result of this Agreement.

WHEREAS, an “Agreement of Settlement and Compromise to Resolve the Stockbridge-Munsee Land Claims in the State of New York” (the “Settlement Agreement”) has been negotiated by and among the Tribe, the United States, the State and certain defendants, including Madison County, the benefit of which will apply to all defendants; and

WHEREAS, the Settlement Agreement, when fully effectuated,

a) resolves with finality all claims by the Tribe to land or natural resources, and damages with respect thereto, and the existence of a Stockbridge reservation, within the Stockbridge Claim Area or elsewhere in New York State against the State, the County of Madison, the County of Oneida, the Town Defendants, the Village of Munnsville, its or their successors and assigns, or third parties, based on aboriginal, reserved or recognized Indian title or any other form

of Indian right or title, any treaty or statute, or any other claim or clause of action in law or equity;

b) confirms the Tribe's agreement never to claim, with respect to any land in the Stockbridge Claim Area or elsewhere in the County of Madison or the County of Oneida, tax-exempt or tax-immune status or governmental jurisdiction based on any claim of Indian right, title or interest, treaty or statute, and never to apply to have, nor accept the grant of, land in the County of Madison or the County of Oneida taken into trust by the United States for its benefit; and,

c) results in: (i) the conveyance to the Tribe of 1.84 acres owned by Madison County (the "Madison County Land") to be used as green space or a memorial park, (ii) the taking into trust by the Secretary of Interior for the benefit of the Tribe certain land owned by the Tribe in the County of Sullivan, New York, on which Class III gaming may be conducted by the Tribe pursuant to a compact entered into by the Tribe and the State and necessary approvals by the Secretary of the Interior, and (iii) the establishment of a process whereby the State and the Tribe will cooperatively work to protect sites of historical and cultural significance to the Tribe in its Ancestral Territory in the Hudson Valley.

WHEREAS, among the specific terms beneficial to the County is the Tribe's agreement that

a) The Tribe shall never apply to have land in the County of Madison or the County of Oneida taken into trust by the United States, nor shall it accept the granting of land to be held in trust for its benefit by the United States, and that the Tribe shall actively oppose any such application by its members or others purporting to act on its behalf or under its authority or ancestral rights; and

b) If the Tribe acquires any land in the County of Madison or the County of Oneida in the future, such land shall be subject to State and local government jurisdiction and regulation, shall not in any respect be reservation land or sovereign Indian land or Indian country, shall be subject to all applicable state and local taxes, shall not be restricted against alienation, and the Tribe further agrees that any such land will be subject to foreclosure for nonpayment of taxes and expressly waives and agrees not to assert tribal immunity from suit as a defense to foreclosure to the extent that any such immunity may exist.

WHEREAS, as part of the settlement the Tribe, the County of Madison and the Town of Stockbridge will enter into a Local Government Agreement (the "LGA"), the purposes of which is to set forth the terms and conditions applicable to: a) the Tribe's use of the Madison County Land; and, b) the Tribe's conveyance of approximately 72 acres to the Stockbridge Valley Central School District and approximately 50 acres to Briggs & Stratton Products Group, which lands together presently comprise the 122-acre

parcel in the Town of Stockbridge acquired by the Tribe on October 29, 2002;
and

WHEREAS, the LGA provides in part that the Tribe shall dedicate the Madison County Land for use as a park area open for public use, and unless further conveyed to a qualified not-for-profit, the land will be fully subject to taxation; and further such land will be fully subject to civil, criminal and regulatory laws of the State, the County and the Town; and

WHEREAS, the Madison County Native American Committee has reviewed the proposed Settlement Agreement and LGA and recommends the same be approved; and

WHEREAS, Madison County Board of Supervisors acknowledges the Tribe and its representatives who, for the many years during which various negotiations have been undertaken in these matters, have always exhibited good faith and fair dealing with the County.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board of Supervisors is hereby authorized to execute the Settlement Agreement and the Local Government Agreement on behalf of the County of Madison, each in the form as is on file with the Clerk of the Board; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized to take such actions and to execute such other documents and instruments as may be necessary to implement the same, including the deed to the Madison County Land.

ADOPTED: AYES – 1373 NAYS – 0 ABSENT – 127 (Bono, Reinhardt)

Chairman Becker read the following statement:

Today, after many months of negotiations, it gives me great pleasure to see this resolution advance to the floor and pass. It will settle our differences with the Stockbridge-Munsee Community Band of Mohican Indians. For over 20 years, the County of Madison and the Stockbridge Munsee have had a very cordial and non-confrontational relationship. It is because of this and an open line of communication that we have arrived at this juncture in the long road for total and final negotiated settlement in the Stockbridge claim.

This is a win for everyone. It proves that when everyone is at the table truly negotiating, things can be settled in true good faith negotiations, not in a surreal world only a few prosper and dictate terms. A true government to government relationship has been formed here today between the government of the Stockbridge Munsee Community, the government of the Town of Stockbridge, Madison County, New York State, and the US

Government. This proves once and for all, that Madison County is neither racist nor economically jealous.

The Stockbridge Munsee will pay taxes to the town of Stockbridge, as well as to the local school district and Madison County. Land in the Town of Stockbridge now possessed by the Stockbridge Munsees, approximately 122 acres, will be split and given to the Stockbridge school and to Ferris Industries, with the Ferris property to be kept on the tax rolls. A vibrant new casino, long a goal of Sullivan County, will give that area local tax revenue as well as New York State. A “take it, or leave it” stance has never even entered into our discussions with the Stockbridge Munsee Community.

The details of this settlement are consistent with the nine principals, not demands, developed by both Oneida and Madison Counties and published in the local paper over a year ago. At 11:00 a.m. we will be proud to stand with our friends the Stockbridge Munsee as we did in the French and Indian War and as General George Washington also stood with them during the Revolutionary War.

Chairman Becker announced that today at 11:00 a.m. Governor Paterson along with the Stockbridge-Munsee Community Band of Mohican Indians will be present for a special signing ceremony regarding the Settlement Agreement and everyone is invited to attend.

There being no further business the Board stands recessed.