

Mr. Forsythe called the Special Board Meeting to order at 5:15 p.m.

Mr. Forsythe announced that due to extenuating circumstances, Legislator Terminelli will be attending remotely from 23 Walnut Street, Massena.

ROLL CALL: All Legislators were present with the exception of Mr. Reagen and Ms. Terminelli.

APPROVAL OF THE AGENDA: Mr. Perkins moved to approve the agenda, seconded by Ms. Curran, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Reagen, and Terminelli).

PRESENTATION OF RESOLUTIONS:

RESOLUTION NO. 130-2024

**AUTHORIZING THE CHAIR TO SIGN A FINAL AND COMPREHENSIVE
MOHAWK LAND CLAIMS SETTLEMENT AGREEMENT**

By Mr. Forsythe, District 2

WHEREAS, on July 7th, 1982 Saint Regis Mohawk Tribe, Mohawk Council of Akwesasne and Mohawk Nation Council of Chiefs (collectively, the Mohawk) asserted claims for possession of lands within the Counties of Franklin and St. Lawrence in the State of New York, and for damages on the ground that the lands in question were originally transferred in violation of law, including, but without limitation, the Trade and Intercourse Act of 1790 (1 Stat. 137), or subsequent reenactments or versions thereof, and

WHEREAS, such litigation, *The Canadian St. Regis Band of Mohawk Indians v. New York et al.* (82-CV-783); *The Canadian St. Regis Band of Mohawk Indians v. New York et al.* (82-CV-1114); and *The St. Regis Mohawk Tribe, by the St. Regis Mohawk Tribal Council and the People of the Longhouse at Akwesasne, by Mohawk Nation Council of Chiefs v. The State of New York, et al.* (89-CV-829), remains pending before the United States District Court for the Northern District of New York for nearly forty-two (42) years, and

WHEREAS, the State of New York, the Counties of Franklin and St. Lawrence, various municipalities of those Counties, and the New York Power Authority and other non-governmental entities with interests in the land at issue are defendants in such litigation, and

WHEREAS, continued disagreements and endless litigation have fostered distrust between the land claim defendants and the Mohawk related to jurisdictional, taxation and regulatory issues arising from the underlying land claims, and

WHEREAS, despite this fact, the parties have continued to engage in negotiations in lieu of more costly and time-consuming elements of litigation, and

WHEREAS, ultimate judicial resolution of the litigation remains elusive and recent judicial rulings make clear that no party should expect complete and total victory, and

WHEREAS, based upon the aforementioned, on May 28th, 2014, St. Lawrence County, the St. Regis Mohawk Tribe, and the State of New York entered into a Memorandum of Understanding establishing the broad strokes of what would later need to become a full and final Settlement Agreement, and

WHEREAS, the terms of the original Memorandum of Understanding anticipated the creation of a subsequent agreement which would incorporate the process for land acquisitions by the Tribe, revenue remittance to the County, as well as the terms of agreement between the other defendants, Franklin County, and the other municipalities, and

WHEREAS, since 2014, the parties have worked towards resolving their differences and establishing a lasting settlement of all land claims in the two county area, and

WHEREAS, starting in 2022, the parties began court-ordered mediation in an effort to reach a comprehensive settlement, and

WHEREAS, after several individual gatherings, the parties met on February 26th, 2024 at the United States District Court for the Northern District of New York before the Hon. Teresa Dancks, Magistrate, in an effort to finalize the last elements of a Settlement Agreement, and

WHEREAS, there is a recognition that any final resolution of pending disputes through a process of litigation would: take many additional years and entail great expense to all parties; continue economically and socially-damaging controversies; prolong uncertainty as to the access, ownership, and jurisdictional status of land in question; and seriously impair long-term economic planning and development for all parties, and

WHEREAS, the parties have reached a tentative understanding on the remaining issues and have verbally agreed to a timeline for implementation, and

WHEREAS, all governing bodies of the litigants are to secure authority to enter into the final agreement, on or before May 8th, 2024 and report back to the Court that such authority has been secured, and

WHEREAS, following approval by the governing bodies, the parties will each execute the agreement for submission to the United States Congress for ratification,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to Sign a Final and Comprehensive Mohawk Land Claims Settlement Agreement, and

BE IT FURTHER RESOLVED that the Board of Legislators endorses the terms of the Settlement Agreement, which incorporates the full terms of the 2014 Memorandum of Understanding.

Mr. Perkins moved to adopt Resolution No. 130-2024, seconded by Mr. Lightfoot, Ms. Curran, and Mr. Fay, and carried by a voice vote with thirteen (13) yes votes, and two (2) absent (Reagen and Terminelli).

RESOLUTION NO. 131-2024

AUTHORIZING THE CHAIR TO SIGN A COMPREHENSIVE INSURANCE POLICY FOR THE SOLID WASTE DEPARTMENT AND MODIFYING THE 2024 BUDGET FOR SOLID WASTE DEPARTMENT

By Mr. Smithers, District 5

WHEREAS, the St. Lawrence County Solid Waste Department is an enterprise fund, and

WHEREAS, Resolution No. 151-2018 authorized the Solid Waste Department to obtain a separate comprehensive insurance policy in an effort to relieve the County from costly claims, and

WHEREAS, the current insurance policy through U.S. Specialty Insurance Company expire on April 12, 2024, and

WHEREAS, the Solid Waste Department requires additional funding to cover the increased cost in comprehensive insurance, and

WHEREAS, the Solid Waste Department wishes to renew the policy through April 12, 2025, for a total cost of \$93,592.21 (WA017104 41405), and

WHEREAS, the 2024 Budget has \$55,000 budgeted and the premium exceeds that amount, and

WHEREAS, the overage in these expenses can be offset by retained earnings,

NOW, THEREFORE, BE IT RESOLVED that the Board of Legislators authorizes the Chair to sign a comprehensive insurance policy for the Solid Waste Department, upon approval of the County Attorney, and

BE IT FURTHER RESOLVED that the Board of Legislators authorizes the Treasurer to modify the 2024 Budget for the Solid Waste Department, as follows:

DECREASE RETAINED EARNINGS:

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| 05TG0909 50300 | Retained Earnings | \$38,600 |
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INCREASE APPROPRIATED FUND BALANCE:

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| 05TG0599 50300 | EL Fund Balance, Appropriated | \$38,600 |
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INCREASE APPROPRIATIONS:

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|----------------|-------------------------------|----------|
| WA017104 41405 | W ADM Comprehensive Insurance | \$38,600 |
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Mr. Smithers moved to adopt Resolution No. 131-2024, seconded by Ms. Curran and Mr. Perkins, and carried by a roll call vote with thirteen (13) yes votes, and two (2) absent (Reagen and Terminelli).

CHAIR'S APPOINTMENTS: There were no Chair's Appointments.

ADJOURNMENT - Chair Forsythe adjourned the April Special Board Meeting at 5:18 p.m., as there was no further business.