



Central New York Regional Planning & Development Board
126 N. Salina St., 100 Clinton Sq., Suite 200, Syracuse, N.Y. 13202 • Tel. (315) 422-8276 • Fax 422-9051
Paul Vickery, Chairman David V. Bottar, Executive Director

AGENDA

September 2004 Meeting Central New York Regional Planning and Development Board

Wednesday, 15 September 2004
Noon – 2:00 p.m.

CNY RPDB
Lower Level Conference Room
100 Clinton Square, Syracuse, New York

Chairman Paul Vickery, Presiding

1. Call to Order P. Vickery
2. Approval of Day's Agenda and Minutes from the 16 June 2004 Meeting P. Vickery
3. Feature Presentation – Local Government Forum
 - Indian Land Claim Issues in Central New York R. Lura
Russell Lura, Director, Madison County Planning Department
4. Treasurer's Report D. Elleman
 - 2003 Audit
 - 31 July 2004 financial report
5. Executive Director's Report D. Bottar
 - Budget Presentations Initiated
 - Rhea Eckel Clark – Nomination Process
 - Committee Meetings
 - Next Meeting – 20 October 2004
6. Old/New Business P. Vickery
7. Adjournment P. Vickery



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MINUTES

CNY RPDB Board Meeting 15 September 2004

ATTENDANCE:

Board Members: Lawrence Baker, Terri Bridenbecker, Daniel Dineen, David Elleman, Brian Frazier, Melody Holmes, Russell Lura, Mary Messinger, David Miller, James Murphy, Royden Parratt, Ann Petrus, Louis Pettinelli, Danny Ross, Clarence Rycraft, Joseph Slivinski, Frederick Talbot, Walter Tennant, and Paul Vickery.

Guests: Peter Cann, Madison County Industrial Development Agency; Herman Howard, Onondaga County Human Rights Commission; Karen Kitney, Syracuse-Onondaga County Planning Agency; Herbert Marshall, Cayuga County Legislature; Paul Miller, Madison County Planning Department; Colleen O'Mara, Office of NYS Assemblyman William Magnarelli; Kurt Roulston, Office of the NYS Assemblyman William Magnarelli; Nate Smith, Office of U.S. Senator Charles Schumer;

Staff: Kathleen Bertuch, David Bottar, Carol Faucher, Stephanie Harrington, Benjamin Manton, Lisa Meaney, Karen Novak, and Anne Saltman.

BUSINESS MEETING

1. **CALL TO ORDER**

Chairman Paul Vickery called the meeting to order at 12:10 p.m. at the office of the Central New York Regional Planning and Development Board (CNY RPDB) and stated that a quorum was present.

2. **APPROVAL OF THE AGENDA/MINUTES OF THE 16 JUNE MEETING**

Chairman Vickery asked if Board members had any changes to the day's agenda and minutes from the 16 June 2004 meeting. Hearing no comments, Chairman Vickery asked for a motion to approve the day's agenda and minutes from the June 2004 meeting as presented, so moved by Mrs. Petrus; seconded by Mr. Slivinski; unanimous approval. Chairman Vickery introduced and welcomed new Board Member Brian Frazier. Mr. Frazier

is Director of the Oswego County Department of Planning and Community Development.

3. **FEATURE PRESENTATION**

Executive Director David Bottar announced that one board meeting per year would focus on local government issues. Today's local government forum will focus on Indian Land Claim issues in Central New York. Mr. Bottar introduced the day's featured speakers, Mr. Russell Lura and Mr. Paul Miller representing the Madison County Planning Department.

Mr. Lura opened his presentation by providing a brief history on the 1783 Articles of Confederation which identifies that States and the federal government each have the right to purchase lands from Indians. In 1788, New York State purchased land from the Onondaga, Cayugas, and Oneidas Indians. The Oneidas do cede and grant all their land to the people of the State of New York forever and establishes boundaries of reservation for Oneida. Mr. Lura identified several maps outlining the Indian land property.

The legal history of the land claim began in 1974, when the Supreme Court ruled that the Oneida Indians could assert their land claim against Oneida and Madison counties in federal court. Eleven years later, the Supreme Court ruled that the Treaty of 1795 between the Oneida Indians and New York State had not been approved by Congress and awarded the Oneidas damages for land acquired by the State. This decision was again appealed.

In 1993, the Oneidas opened the Turning Stone Casino in Verona and began to grow economically and financially. Additional expansion has also occurred in surrounding areas. A new issue was raised when the Oneidas refused to collect sales tax. As the Nation grew, it began to purchase land within its land claim area from sellers on the open market. To date, 15,000 acres have been purchased. Another major dispute was created over whether the Nation must pay property taxes. This in turn has resulted in significant loss of revenue for Madison County as a result of the loss of property taxes.

In 1999, the District Court ordered all sides to explore mediation to resolve the issues. The framework for a settlement of the local issues include:

- \$500 million settlement fund to be paid equally by the State and federal government. The proposed settlement fund will allocate \$225 million to the New York Oneida Indian Nation and \$250 to the Oneida Wisconsin Tribe.
- The counties will receive \$100 million for a fund to be established for their benefit. Fifty million dollars of this amount will come from the Oneida, and the rest will be paid to the counties by the State in years 6-10 of the Agreement.
- Any shortfalls in real property or estimated sales taxes suffered by the counties, localities or school districts that are not covered by the income from the fund will be paid by the State of New York to the counties for local distribution.

- The Oneida Indian Nation would limit the total size of its reservation to a maximum of 35,000 acres of land, 5,000 acres of which shall be designated “forever wild”.
- The State and the Oneidas will enter into a tax parity agreement whereby the Oneidas will agree to charge non-Indian customers a Nation sales tax equal to all state, local, and federal sales and excise taxes on all products to sells which includes gasoline and cigarettes.
- The Oneida Indians of New York would support and participate with county and local municipal governments in joint tourism efforts.

Another Supreme Court case in a dispute over its sovereignty is the City of Sherrill Case. The City of Sherrill sought to enforce property tax laws against properties owned by the Nation and to evict the Nation for failure to pay property taxes. This case has widespread implications in Madison and Oneida counties. The Sherrill Case decision is on appeal and arguments have been made by the counties with a projected hearing in January/February 2005.

Mr. Paul Miller further described the impact of tribal development in the Oneida Lake Claim area. Current tribal landholdings include 6,400 acres in Madison County and 10,600 in Oneida County. It is estimated that Madison and Oneida loss in revenue due to uncollected local sales tax was \$3.2 million in Madison County and \$4.6 million in Oneida County. Mr. Miller further stated that Madison County experienced approximately \$1.1 million in uncollected property taxes and Oneida County loss approximately \$5.5 million in revenue. The Oneida impact also includes loss of 4,000 jobs, loss of business, purchase/development of key commercial properties, and other lost opportunities.

Mr. Miller stated that the Oneidas have funded water and sewer infrastructure projects in areas where the Oneidas have planned future development. The Oneida Indian Nation established Silver Covenant Grants to provide funds for schools in the surrounding areas. These grants are now available to local governments.

In closing, Mr. Miller stated that Madison and Oneida counties have long been dealing with issues that arise from the Oneida Indian land claims and the government’s jurisdiction in regard to property, school, and sales tax revenues. A Supreme Court decision leaves the possibility that the jurisdictional problems will be resolved which will benefit Madison and Oneida counties. Mr. Miller also stated that Governor Pataki has the authority to step in and resolve the land claim issues so homeowners, taxpayers, and local governments can look to a better and brighter future. Increased public awareness and involvement is always encouraged.

At the conclusion of the presentation, Messrs. Lura and Miller responded to several questions from the audience.

4. **TREASURER'S REPORT**

Board Treasurer David Elleman presented the July 2004 financial statement, noting the year to date balance of (\$20,343.72) on the revenue and expenditure report. Mr. Elleman stated that a third quarter budget amendment would be prepared for 2004. Mr. Elleman presented to the members of the Board the 2003 audit, which was completed by the auditing firm of Dermody, Burke & Brown CPAs, LLC. Mr. Elleman stated that the auditors acknowledged the efforts of the CNY RPDB Business Manager Karen Novak. The 2003 audit was reviewed and approved by the CNY RPDB executive committee at a meeting held on July 28, 2004. After hearing no questions, Treasurer Elleman asked for a motion to accept the July 2004 financial statement and 2003 audit as presented; so moved by Mr. Pettinelli; seconded by Mr. Tennant; unanimous approval.

5. **EXECUTIVE DIRECTOR'S REPORT**

Executive Director David Bottar stated he is in the process of meeting with each legislative body regarding the CNY RPDB's 2005 budget request from its member counties. Mr. Bottar presented the budget to the Madison County Board of Supervisors on August 25th and will be presenting the budget to Onondaga County Legislators on September 23rd. A formal request will be submitted to Cayuga and Cortland counties in the coming months.

Mr. Bottar noted that nominations are being accepted for the annual Rhea Eckel Clark Award. This award allows the CNY RPDB to recognize an individual or organization affecting positive community change in the CNY Region. Deadline for the receipt of nominations is 1 November 2004. The award will be presented at the Board's Annual Meeting on 15 December 2004.

Mr. Bottar stated that the two Board committees convened over the summer months. The CNY RPDB Environmental Management Committee met on 3 August and focused on the Board's GIS capacity and Stormwater Phase II activities. The Land Use/Transportation met on 25 August to review the progress on the Hamilton/Rte. 12B projects and the Blueway Trail project along the Onondaga/Cayuga county border.

Executive Director David Bottar stated that Land Use/Transportation Program Manager Benjamin Manton has met with four county legislative bodies to promote the support of military missions and service units operating at Hancock Field. We have received resolutions of support from Cayuga, Madison, Onondaga, and Oswego counties. Mr. Manton will meet with members of the Cortland County Legislature on 16 September 2004. Once the CNY RPDB has received all five county resolutions, a formal package will be submitted to the Base Relocation Alignment Committee (BRAC) committee. Mr. Bottar noted that the CNY RPDB staff will follow-up on a recommendation from Board Member William Meyer relative to the military operations at Griffiss Air Force Base.

Mr. Bottar announced the publication of an interim report titled A Management Strategy for

Oneida Lake and Its Watershed. This is excellent summary of the goals, background information, and recommendations for the top priority issues.

Lastly, Mr. Bottar stated that the next Board meeting will be held on 20 October 2004 which will focus on the Energy Purchasing Consortium in Tompkins County. The Consortium is looking to expand into neighboring counties and should prove to be very informative.

6. **OLD/NEW BUSINESS**

There was no old/new business to report at the meeting.

7. **ADJOURNMENT**

With no additional business to be brought before the Board, Chairman Vickery thanked everyone for attending and adjourned the meeting at 2:15 p.m.