

Requesting Approval Of The Ulster County Legislature To Allow Individual Municipalities In Ulster County To Decide Whether Indian Casinos Should Be Located Within Its Borders

Legislators Roberti, Aiello, Tipp, Feldmann, Stock, Alfonso, Busick, Cummings, DePew, Every, Felicello, Gerentine, Harris, Hathaway, Maloney, McAfee, Meyer and Noonan offer the following:

WHEREAS, the New York State Legislature will soon be considering a bill to settle Indian land claims that could potentially increase the number of authorized Indian gaming establishments in Sullivan and Ulster Counties from three to five, and

WHEREAS, Governor Pataki's Native American Land claim settlement legislation includes a provision mandating County Local Service Agreement before a Native American gaming establishment can be built in Sullivan or Ulster Counties, and

WHEREAS, the Ulster County Legislature strongly supports the concept of Home Rule and believes the residents of each individual municipality in Ulster County should ~~decide for themselves~~ **have input as to** whether an Indian gaming establishment should be located within its borders, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the County of Ulster will not approve a Local Service Agreement for any Native American gaming establishment or casino in any Ulster County municipality without the consent of the Town, Village or City in which the establishment or casino is to be sited, and

FURTHER RESOLVED, Ulster County will not enter into discussions with any tribal government about the establishment of an Indian casino if the governing body of the proposed host community adopts a resolution opposing the establishment of an Indian casino within its borders,

FURTHER RESOLVED, that the Ulster County Legislature hereby calls on the Governor and State Legislature to require the preparation of a cumulative environmental review of all casinos currently under construction using applicable provisions of the National Environmental Policy (NEPA) and New York's State Environmental Quality Review Act (SEQRA) prior to any Legislative or other approvals to establish casino gambling in Ulster County, and

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FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor George E. Pataki, Comptroller Alan Hevesi, Senate Majority Leader Joseph Bruno, Senate Minority Leader David A. Paterson, Assembly Speaker Sheldon Silver, Assembly Minority Leader Charles Nesbitt, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin Cahill, Clifford Crouch, Daniel Hooker and Thomas Kirwan, and the New York State Association of Counties,

and moves its adoption.

ADOPTED AS AMENDED BY THE FOLLOWING VOTE:

AYES: 33 NOES: 0

Legislator Donaldson motioned, seconded by Legislator Lomita to refer the resolution to committee.

MOTION DEFEATED BY THE FOLLOWING VOTE:

AYES: 15 NOES: 17
(AYES: Bartels, Berardi, Dart, Donaldson, Hyatt, Kraft, Lomita, Loughran, R.A. Parete, R.S. Parete, Provenzano, Rodriguez, Shapiro, Stoeckeler and Zimet)

Legislator Donaldson motioned, seconded by Legislator Zimet to add the following to amend the resolution:

WHEREAS, on April 11, 2002, the Ulster County Legislature passed Resolution No. 166 of 2002 to authorize the Chairman to execute agreement with the Modoc Tribe of Oklahoma concerning the creation and operation of a Casino Gambling Project in the Town of Wawarsing, and

WHEREAS, the Town and Village Officials were not consulted on the issue and were made aware only after the Legislature's vote on Resolution No. 166, and

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WHEREAS, on March 18, 2003, the Legislature passed Resolution No. 100 of 2003 to extend the agreement with the Modoc Tribe of Oklahoma, and

WHEREAS, the County Legislature now realizes that such agreement was in conflict with and contrary to the need for the County to work in good faith with municipalities, and

MOTION DEFEATED BY THE FOLLOWING VOTE:

AYES: 16 NOES: 17
(AYES: Bartels, Berardi, Dart, Donaldson, Feldmann, Hyatt, Kraft, Lomita, Loughran, R.A. Parete, R.S. Parete, Provenzano, Rodriguez, Shapiro, Stoeckeler and Zimet)

Legislator Bartels motioned, seconded by Legislator Roberti to amend the resolution to change the third "WHEREAS" as indicated in *bold italics* and [].

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 33 NOES: 0

Legislator Shapiro motioned, seconded by Legislator Stock to amend the resolution to include a second "FURTHER RESOLVED" as indicated in bold italics.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 33 NOES: 0

FINANCIAL IMPACT:
UNKNOWN