

**MINUTES OF THE
H V C E O
SPECIAL MEETING OF JANUARY 18, 2002
AT BROOKFIELD, CT TOWN HALL**

MEMBERS AND ALTERNATES

Bethel.....First Selectman Judy Novachek
Bridgewater.....First Selectman William Stuart
Brookfield.....Alternate Selectman Judy Heise
Danbury.....Mayor Mark Boughton
New Fairfield.....Alternate Probate Judge Peter Larkin
New Milford.....Alternate Mayoral Assistant Thomas Ruane
Newtown.....First Selectman Herbert Rosenthal
Redding.....Absent
Ridgefield.....First Selectman Rudy Marconi
Sherman.....First Selectman Arthur von Plachecki

OTHERS IN ATTENDANCE

State Representative David Scribner, Phil Lewis of Congressman Maloney's staff, Greater Danbury Chamber President Stephen Bull, former New Milford Mayor Arthur Peitler, former New Fairfield First Selectman Patty Gay, Fred Standt of Brookfield, Lynn Waller of Danbury, Cheryl Reedy of the New Fairfield Citizen News, Mary Connolly and Mark Langlois of the News Times, Andrew Carrier and Jonathan Chew of the HVCEO staff.

CALL TO ORDER

The meeting was called to order by Chair Herb Rosenthal at 9:05 A.M. There was no public comment.

**DISCUSSION OF OBTAINING INTERESTED PARTY STATUS
DURING BIA TRIBAL RECOGNITION PETITIONING PROCESS**

Jon Chew reviewed highlights of a meeting on 1/10/2002 sponsored by the Greater Danbury Chamber of Commerce, at which legal experts provided information on the tribal recognition process. Municipalities and regional governmental entities opposed to casino development were advised to obtain "interested party" status in the Bureau of Indian Affairs (BIA) tribal recognition process as soon as possible, even though the early decisions would be restricted to evaluation of the quality of historical records, long term tribal leadership continuity, etc.

In this way, it was advised, local interests are accounted for from the start. Then when and if decisions regarding trust land designation and overrule of municipal zoning powers on such trust lands are scheduled, the local communities that are to be most seriously damaged have a stronger voice in opposition.

Rudy Marconi then reviewed the options for assistance offered by Perkins Coie, LLP, a law firm based in Washington, DC. This specialized firm is proposing to assist Danbury and the close in suburbs, and HVCEO for the remaining towns, in obtaining the needed interested party status by the BIA deadline of 2/15/2002 for the Schaghticoke Tribal Nation's recognition petition.

Options include purchasing access rights to past research opposing the claim in addition to legal processing for immediate sign up, tailored to each party, at \$40,000 to \$45,000.

The second option is the provision of services, tailored by participant, for immediate sign up, but without the research access, and costing about \$20,000. This is the action recommended by Perkins Coie for the Greater Danbury group. The third option is to defer obtaining interested party status at this time.

Considerable discussion followed. As of this date the governmental entities seeking individualized interested party status include 1) the City of Danbury, the three close in suburbs of 2) the Town of Bethel, 3) Town of New Fairfield, and 4) Town of Ridgefield, and to represent the remainder of the planning region, 5) the Housatonic Valley Council of Elected Officials as the state designated regional planning agency.

It was noted by Art von Plachecki of Sherman and Arthur Peitler of New Milford that their northern communities, closest to the Schaghticoke Reservation in Kent, CT, have already obtained interested party status by their own action. They both urged the other communities to now do so as well.

Jon Chew reported that Redding First Selectman Natalie Ketcham, who was not able to attend the meeting today, had informed him that the Redding Board of Selectmen discussed this issue and was requesting that HVCEO obtain the BIA interested party status in order to protect Redding's interests as an outlying town.

Rudy Marconi then stated that, in conversation with the other close in towns, a fair distribution of the Perkins Coie legal fees for option two, immediate and individualized sign up, is anticipated to be \$8,000 for Danbury and \$4,000 each for Bethel, New Fairfield and Ridgefield, for a total of \$20,000. Herb Rosenthal of Newtown stated that Newtown may also wish to join the list of municipalities with direct interested party status, in addition to the group representation to be provided by HVCEO.

Upon further discussion, it was agreed that under the second option the HVCEO budget could be responsible for funding a maximum of \$10,000 of the estimated \$20,000 total legal fee. These funds would be taken from municipal dues already collected by HVCEO, and would thus serve as an expression of casino opposition from all ten municipalities in the Greater Danbury Area.

Mark Boughton stated that with Perkins Coie as our legal services expert, we can request additional assistant from the firm if and when the issue grows more

threatening. Also, that should the tribal recognition process be successful and trust land status be proposed for a site in Danbury, with interested party status in hand, Danbury and the Region would be in the proper legal position to appeal the tribal designation. Any such appeal would delay the development process for 5-6 years and would be an incentive for the tribe to look elsewhere for casino development, the Mayor said.

Then on a motion made by William Stuart and a second by Rudy Marconi, it was voted unanimously to adopt Perkins Coie's legal services option two as a component of HVCEO's anti-casino policy, and further, to authorize an expenditure from the HVCEO budget of up to \$10,000 in support of the legal services needed to obtain interested party status for individual members and HVCEO itself.

ADDITIONAL DISCUSSION

There was then some additional discussion on the issue. It was agreed that Eric Gottschalk, City of Danbury Attorney, would take the administrative lead and be the point of contact for working with the other municipal attorneys and HVCEO staff in making use of Perkins Coie services.

Herb Rosenthal reported that chief elected officials of eastern CT communities impacted by casino development are willing to visit our area to discuss the problems created by unwanted casino development.

Mark Boughton reported that the Putnam County Executive will be meeting with him on the casino matter. Also, that it is not clear if the Schaghticokes will be making historic tribal claims to lands in Danbury, and that they are unwilling to reveal their data on this subject.

ADJOURNMENT

Then on a motion made by Judy Novachek and seconded by Mark Boughton, the meeting was adjourned at 9:55 A.M.