

TOWN OF HARPERSFIELD

RESOLUTION NO. 005 OF THE YEAR 2010

Councilman Robert Reeve Jr. offered the following resolution and moved its adoption:

TITLE: OPPOSITION OF THE NEW YORK STATE ATTORNEY GENERAL'S ACTIONS ON HEALTH CARE FACILITIES WITHIN THE NEW YORK CITY WATERSHED.

WHEREAS, on January 12, 2010, the New York State Attorney General Andrew Cuomo held a press conference in New York City and invited the environmental community to join with him in announcing an alleged victory for water quality protection at the expense and to the detriment of four health care facilities located in the New York City Watershed West-of Hudson; and

WHEREAS, the Attorney General claimed these facilities were illegally disposing of excess pharmaceuticals into the New York City Water Supply when they followed the guidance from the Bureau of Narcotics which required excess pills to be disposed of on-site; and

WHEREAS, these facilities were managing and disposing of their pharmaceuticals in a manner consistent with all other health care facilities in New York State; and

WHEREAS, in order to further his political ambitions, he portrayed these facilities to the national media as willing and uncaring polluters; and

WHEREAS, no national or state water quality standards exist for pharmaceuticals; and

WHEREAS, the Food and Drug Administration states that the "majority of medicines found in the water system are a result of the body's natural routes of drug elimination (in urine and feces). Scientists, to date, have found no evidence of harmful effects to human health from medicines in the environment" (January 2010); and

WHEREAS, these health care facilities met and cooperated with the Attorney General's Watershed Inspector General under the false impression that the Attorney General was conducting a survey to assist in developing a method of managing excess pharmaceuticals in a safe, affordable and environmentally sound manner; and

WHEREAS, based upon the information his office collected under false pretenses, the Attorney General's office served these facilities enforcement papers threatening them with litigation and fines of \$37,500.00 per day unless they

complied with the Attorney General's demands; and

WHEREAS, the Attorney General ignored the obligations under the 1997 Memorandum of Agreement for all watershed parties to resolve watershed issues in good faith and in cooperation with each other; and

WHEREAS, the Attorney General ignored the New York State Department of Health and New York State Department of Environmental Conservation statewide working group that is currently developing new guidelines to assist facilities in disposing of pharmaceuticals in a more effective and environmentally sensitive way without violating the narcotic laws; and

WHEREAS, health care facilities in the New York City Watershed were targeted and discriminated against by the Attorney General when his office created and applied a standard that does not exist state-wide for blatant politically motivated reasons increasing costs to these facilities and ultimately their patients; and

WHEREAS, the Town Board objects to Attorney General Andrew Cuomo using the power of his office to single out health care facilities in the New York City Watershed and requiring them to implement management and disposal restrictions that do not exist in State or Federal law and, in some instances, may violate such laws; and

WHEREAS, all of the forty towns and villages including the five counties within the New York City Watershed West-of-Hudson entered into and agreed to the Partnership created by the 1997 Memorandum of Agreement because the Partnership was based upon the fundamental principal that the upstate communities and their residents would be protected from the additional cost arising from the regulatory measures necessary for New York City to avoid installing a filtration plant that is otherwise required under the Federal Safe Drinking Water Act for all surface drinking water supplies; and

WHEREAS, the parties to the Partnership agreed to cooperate with each other and to work together in good faith to protect the NYC Water Supply while, at the same time, protecting the economic sustainability of the local communities; and

WHEREAS, by creating new unfunded requirements for watershed residents without any scientific or technical basis and using the threat of litigation, penalties and the full force of his office to enforce compliance with his unfunded/non-scientific mandate, Attorney General Andrew Cuomo has violated the Memorandum of Agreement and threatened the success of the Partnership; and

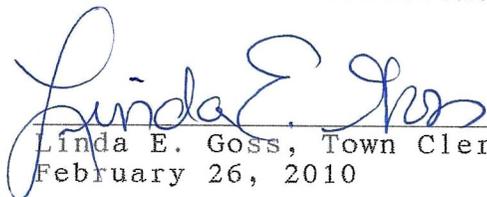
WHEREAS, the Town Board of the Town of Harpersfield is fully aware of the emerging trend of concern over pharmaceuticals in the water. The record for the past thirteen years demonstrates that the upstate communities, with the assistance of CWC, would have collaborated with the Attorney General's office to address the problem had the Attorney General been truly concerned about this issue; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Harpersfield demands nothing less than full reimbursement of all fines, all compliance costs associated with the Attorney General's actions and that the full settlement agreement be vacated; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Patterson, Richard F. Daines, M.D., Commissioner of the New York State Department of Health, Peter Grannis, Commissioner of the New York State Department of Environmental Conservation, US Senators, Schumer and Gillibrand, US Congressmen Murphy and Hinchey, NYS Senator Bonacic, NYS Assemblymen Clifford Crouch and Peter Lopez, NYS Attorney General Andrew E. Cuomo, Judith Enck, USEPA Region 2 Administrator, New York City Mayor Bloomberg, William Harding, Executive Director of the Watershed Protection and Partnership Council and all Coalition of Watershed Towns and Counties.

Seconded by Councilman Harold Bedford with a roll call vote as follows:

Supervisor	James Eisel Sr.	Aye.
Councilman	Harold Bedford	Aye.
Councilman	Morris Riddell Jr.	Aye.
Councilman	Robert Reeve Jr.	Aye.

  
Linda E. Goss, Town Clerk  
February 26, 2010