

VILLAGE OF FORT EDWARD SPECIAL MEETING OF FEBRUARY 9, 2010

MAYOR TRAVER CALLED MEETING TO ORDER AT 4:10PM.

ROLL CALL: Mayor Traver, Trustees Williams, Devoe and Forte.
Absent – Trustee Boucher

OTHERS PRESENT: Clerk Ives, Attorney Fuller.

The purpose of the special meeting is to set a public hearing for the proposed annexation of certain territory located in the Town of Fort Edward on Rogers Island and the proposed joint acquisition of lands located on Rogers Island in the Town of Fort Edward and the Village of Fort Edward.

Motion by Trustee Devoe Seconded by Trustee Forte to adopt **Resolution #57**, which states:

WHEREAS, pursuant to Article 17 of the General Municipal Law of the State of New York, commonly known as the ‘Municipal Annexation Law’, territory in one or more local governments adjoining one or more other local governments may be annexed to the latter pursuant to the provisions of said Municipal Annexation Law; and

WHEREAS, the Town of Fort Edward and the Village of Fort Edward are in receipt of a Petition for Annexation dated January 29, 2010 for the proposed annexation a portion of the territory of the Town of Fort Edward into the Village of Fort Edward, which territory is roughly identified as tax map parcels 171.-2-1, 171.-2-2, as well as the portion of 179.-1-21 located on Rogers Island, as well as certain territory within the bounds of the Hudson River (hereinafter referred to as the “Annexed Territory”), all of which is more fully set forth and described on the Petition for Annexation (hereinafter referred to as the “Petition,” a copy of which is attached hereto as Exhibit A); and

WHEREAS, pursuant to §703 of the Municipal Annexation Law, the contents of said Petition are required to contain all of the information set forth in said section; and

WHEREAS, pursuant to §704 of the Municipal Annexation Law, within twenty days after the receipt of such petition, the governing board or boards of the local government or governments to which it is proposed to annex such territory and the governing board or boards of the affected local government or governments in which such territory is situated shall respectively cause a notice to be published once in its or their official newspapers; and

WHEREAS, pursuant to §704 of the Municipal Annexation Law, a copy of said notice is also to be mailed to all property owners as reflected on the assessment roll for the property within the proposed Annexed Territory; and

WHEREAS, pursuant to §704 of the Municipal Annexation Law, such notice shall state that a petition for the annexation of territory to the local government or governments (naming it or them and briefly describing the territory proposed to be annexed thereto) has been received, that at a specified place in one of such local governments on a specified day not less than twenty days nor more than forty days after the publication and mailing of such notice, which place and date shall be specified therein, a joint hearing will be had upon such petition by such governing boards; and

WHEREAS, pursuant to §704 of the Municipal Annexation Law, each of such governing boards shall cause a copy of such notice to be mailed not less than ten days prior to the date of such joint hearing to the school authorities of any school district in which all or part of the territory proposed to be annexed is situated; and

WHEREAS, the Board of Trustees wishes to proceed with the foregoing notices and joint hearing with the Town Board of the Town of Fort Edward concerning the proposed annexation of the proposed Annexed Territory to the Village of Fort Edward; and

WHEREAS, though timely with the foregoing annexation request but separate there from, the Town Board of the Town of Fort Edward and the Board of Trustees of the Village of Fort Edward have for a number of years expressed interest in acquiring by purchase certain lands located in the Town of Fort Edward and the Village of Fort Edward, which lands are generally located along the southeasterly shore and southern tip of Rogers Island, and which lands would be used in the future for recreational purposes and economic development as the Board of Trustees and Town Board might approve, and which a portion of said lands are also within the proposed Annexed Territory; and

WHEREAS, the Board of Trustees of the Village of Fort Edward is authorized and empowered under §1-102 of the Village Law of the State of New York to acquire lands for valid public purposes; and

WHEREAS, the Town Board and the Board of Trustees, in working with the New York State Office of Parks, Recreation and Historic Preservation, have identified said lands which are set forth on a map attached to this resolution as Exhibit B (hereinafter the "Purchased Lands"); and

WHEREAS, the Town of Fort Edward, by its Town Board, and the Village of Fort Edward, by its Board of Trustees, in working with Senator Elizabeth O'C Little, have been the recipient of grant funds in the amount of \$100,000 to assist in the purchase of said lands; and

WHEREAS, the State of New York, through the New York State Office of Parks, Recreation and Historic Preservation, obtained an appraisal of the land discussed above as well as the lands proposed to be acquired by the State of New York, and through the use of said appraisal, have identified such portion of the lands on Rogers Island to which

the Village of Fort Edward and Town of Fort Edward could purchase utilizing the sum of \$100,000 acquired by grant as noted above; and

WHEREAS, both the annexation of land, and the acquisition of such land by a municipality, are an ‘action’ as defined in the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law and the regulations of the Department of Environmental Conservation at 6 NYCRR §617 et. seq.); and

WHEREAS, Rogers Island is listed on the National Register of Historic Places, making the proposed actions Type I actions under SEQRA as set forth at 6 NYCRR §617.4(9); and

WHEREAS, a full environmental assessment form has been prepared and submitted with the review of this proposed action; and

WHEREAS, the Board of Trustees of the Village Fort Edward and the Town Board of the Town of Fort Edward do wish to move forward with the requisite notices and public hearing for the proposed Annexation of the proposed Annexed Territory, and to proceed with the fulfillment of their respective obligations under the State Environmental Quality Review Act.

NOW THEREFORE BE IT:

RESOLVED, that the Board of Trustees of the Village of Fort Edward hereby finds that the proposed annexation set forth in the attached Exhibit A and the proposed purchase of lands roughly set forth on the attached Exhibit B is an “action” as defined in the State Environmental Quality Review Act (“SEQRA”); and be it further

RESOLVED, that the proposed action is a “Type 1 Action” as defined in SEQRA and set forth at 6 NYCRR §617.4(9) in that Rogers Island is on the National Register of Historic Places; and be it further

RESOLVED, that the Board of Trustees of the Village of Fort Edward hereby expresses its intention to act as lead agency under SEQRA and identifies the Town Board of the Town of Fort Edward, the NYS Canal Corporation, the NYS Office of Parks, Recreation and Historic Preservation, and NYS EDC as other involved agencies; and be it further

RESOLVED, that the Board of Trustees acknowledges and accepts for filing the Petition for annexation of the proposed Annexed Territory; and

RESOLVED, that pursuant to §704 of the Municipal Annexation Law, the Board of Trustees hereby sets a joint public hearing for the proposed purchase and the proposed annexation for March 8, 2010 at 6:30 p.m., and the Board of Trustees hereby directs the Village Clerk and counsel to the Village to publish, post and send to the necessary parties, on behalf of both the Town Board of the Town of Fort Edward and the Board of

Trustees of the Village of Fort Edward, those notices and to those parties as are required under §704 of the Municipal Annexation Law; and be it further

RESOLVED, that immediately following said public hearing on March 8, 2010, a joint meeting of the Town Board of the Town of Fort Edward and the Board of Trustees of the Village of Fort Edward will be held for the purposes of discussing and decision on the proposed annexation as well as the proposed purchase of lands discussed herein, and for any other lawful business.

RESOLVED, that this resolution shall take effect immediately.

Adopted this 9th day of February, 2010.

Roll Call Vote:

Trustee Darlene Devoe	<u>Yes</u>
Trustee Peter Williams	<u>Yes</u>
Trustee John Boucher	<u>Absent</u>
Trustee Richard Forte	<u>Yes</u>
Mayor Matthew Traver	<u>Yes</u>

Patricia Ives, Village Clerk

Motion by Trustee Forte seconded by Trustee DeVoe to adjourn meeting at 4:40PM.

ALL AYES

Dated – February 10, 2010

Patricia Ives, Clerk