

SPECIAL JOINT MEETING OF TOWN AND VILLAGE FORT EDWARD OF MARCH 8, 2010.

MAYOR TRAVER CALLED MEETING TO ORDER AT 6:56PM.

CLERK IVES CALLED THE ROLL CALL FOR THE VILLAGE BOARD:

Trustee DeVoe, Trustee Boucher, Trustee Forte, Trustee Williams and Mayor Traver.

CLERK MILES CALL THE ROLL CALL FOR THE TOWN BOARD:

Councilman Fisher, Councilman Orsini, and Supervisor Suprenant.

PRESENT: Village Clerk Ives, Town Clerk Miles, Attorney Matthew Fuller, and Attorney Robert Winn.

OTHERS PRESENT: P. Suprenant, S. Stoughton, R. Fuller, J. Mullen, L. Bickford, V. Middleton, J. Ziegler, J. Durrler, P. Kidwell, P. Dobie, Dick Engle

Attorney Fuller explained that the procedure is to review the Environmental Assessment Form.

This is a Type 1 action – the island is historically sensitive.

After coordinating with the other agencies (Parks & Recreation, Canal Corp., the Town and Village of Fort Edward) the village is the lead agency for SEQR.

A letter form Parks & Recreation and the Canal Corp agreeing to the Village being lead agency is a part of the record.

Attorney Fuller said it is necessary to answer the questions in Part 2 – Project Impacts and their Magnitude of the Environmental Assessment Form.

IMPACT ON LAND

- 1) Will the Proposed Action result in a physical change to the project site?
NO
- 2) Will there be an effect to any unique or unusual landforms found on the site?
NO
- 3) Will Proposed Action affect any water body designated as protected?
NO
- 4) Will Proposed Action affect any non-protected existing or new body of water?
NO
- 5) Will Proposed Action affect surface or groundwater quality or quantity?
NO
- 6) Will Proposed Action alter drainage flow or patterns, or surface water runoff?
NO
- 7) Will Proposed Action affect air quality?
NO
- 8) Will Proposed Action affect any threatened or endangered species?
NO
- 9) Will Proposed Action substantially affect non-threatened or non-endangered species?
NO
- 10) Will Proposed Action affect agricultural land resources?
NO
- 11) Will Proposed Action affect aesthetic resources?
NO
- 12) Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
NO
- 13) Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?
NO
- 14) Will Proposed Action impact the exceptional or unique characteristics of a critical

- environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?
NO
- 15) Will there be an effect to existing transportation systems?
NO
- 16) Will Proposed Action affect the community's sources of fuel or energy supply?
NO
- 17) Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?
NO
- 18) Will Proposed Action affect public health and safety?
NO
- 19) Will Proposed Action affect the character of the existing community?
NO
- 20) Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?
NO

As lead agency the Village must adopt a resolution stating negative declaration. A comment, which will be added, is in regard to future development. The proposed annexation and proposed purchase of lands will not result in a change of use or intensity of use of the lands nor will it open further lands to development. As far as zoning it will stay the usage it is now. If the annexation is approved this will have to be included in the Village Zoning Code. This will require a local law, which Attorney Fuller will address at the next village meeting.

The NYS Canal Corp property to be purchased is already located in the village.

The annexation will provide uniformity of regulation for future developments. The purchase will allow the Town and Village to utilize the land to further economic and recreational opportunities. Attorney Fuller said the land is not specifically being purchased for a park this is important for future use of the land. Attorney Fuller said that if someone tries to sell land acquired for a dedicated park you will need legislative authority to do so. A notice must be published if the village adopts the negative declaration in the Environmental Notice Bulletin. This will be filed tomorrow to be published on Wednesday, March 10, 2010. The State Parks & Rec, The Canal Corp on notice – they are subject to SEQR. They would be allowed to move forward with their process.

Attorney Fuller told the Village Board that being a lead agent is a big step and it will help the whole project to move forward even from the state's acquisitional standpoint.

At this time the Village Board of Trustees were asked to adopt the Resolution for a negative declaration with the additional changes.

Motion by Trustee DeVoe seconded by Trustee Williams to adopt Resolution #61, which states:

WHEREAS, the Board of Trustees of the Village of Fort Edward as lead agency, has determined that the proposed actions described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Description of Action:

The proposed action is the joint purchase by the Town of Fort Edward and the Village of Fort Edward of a portion of lands located on Rogers Island in the Village of Fort Edward for future recreational, economic development and other public purposes as the Town Board and Board of Trustees might determine. The portion to be acquired is set forth on a map annexed to this EAF. The Town Board and Board of Trustees are also pursuing the purchase of property owned by the NYS Canal Corporation located along the southeasterly shore of Rogers Island immediately adjacent to the lands being purchased on the annexed map. In addition, the Board of Trustees and Town Board has received a petition for annexation for the lands lying south of the corporate limits of the Village of Fort Edward and within the Town of Fort Edward on Rogers Island and partially within the bounds of the Hudson River as set forth on the Petition for Annexation. Though unrelated, the proximity and timing of both actions warrant, in the Boards' opinions, review of these proposed actions together.

The total property involved in this action is roughly +/- 12.42 acres, which consists of the 9.524 acres to be purchased from Rogers Island Resorts, LLC (3.6 acres of which is included in the annexation); +/- .3 acres to be purchased from the NYS Canal Corp. (all of which is included in the annexation), and +/- 2.6 acres of the lands of the Idle Hour Club, Inc. (all of which is included in the annexation).

ALL AYES

Attorney Fuller talked about the process and asked Attorney Winn to comment.

From the Village standpoint we must comply with the Municipal Annexation Law as does the Town and the Village Law.

The Village Law is different than Town Law when it comes to acquisitions.

In the end we were able to avoid the permissive referendum for the Town – the reason being that no public funds were used.

At this time the Fort Edward Village Board will pass the resolution approving the proposed annexation of certain territory located on Rogers Island in the Town of Fort Edward and approving the joint acquisition of lands located on Rogers Island in the Town of Fort Edward and the Village of Fort Edward.

Motion by Trustee Boucher seconded by Trustee DeVoe to adopt Resolution #62, 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 received 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 in the Town of Fort Edward 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, the Town Board of the Town of Fort Edward and the Board of Trustees of the Village of Fort Edward did set a public hearing on the proposed annexation which hearing was duly noticed as required in said §704 of the Municipal Annexation Law, and was thereafter properly called and held on March 8; and

WHEREAS, pursuant to §704 of the Municipal Annexation Law, persons interested in said annexation were permitted to be heard thereon at the public hearing; and

WHEREAS, the Board of Trustees wishes to proceed with the foregoing 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 as tenants in common 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 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 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 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 a copy of said appraisal is on file with the Town Clerk of the Town of Fort Edward and the Village Clerk of the Village of Fort Edward; and

WHEREAS, the Village and Town have negotiated a proposed contract, a copy of which has been reviewed by counsel to the Village and Town; 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 the Board of Trustees, has been designated as the lead agency for the review of this proposed action; and

WHEREAS, the Town Board of the Fort Edward and the Village of Fort Edward do wish to move forward with the proposed Annexation of the proposed Annexed Territory and the proposed purchase of the Purchased Lands, 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 has reviewed the Full EAF including parts I and II thereof, has taken a hard look at the potential environmental impacts, and has adopted a negative declaration, a copy of which is annexed hereto; and be it further

RESOLVED, that the Board of Trustees of the Village of Fort Edward, acting as the lead agency for the proposed action, has found that the proposed acquisition and annexation, respectively, of said lands will not have an adverse environmental impact and has approved and adopted immediately prior to the adoption of this resolution, the negative declaration annexed hereto and directs counsel to see that proper notice is published in the Environmental Bulletin as required by law; and be it further

RESOLVED, that the Board of Trustees hereby finds that the proposed annexation of the Annexed Territory to the Village of Fort Edward to be in the over-all public interests of the Village of Fort Edward; and be it further

RESOLVED, that the Board of Trustees hereby approves and adopts the Joint Findings for the Annexation of Lands from the Town of Fort Edward to the Village of Fort Edward, attached hereto and incorporated herein, as the findings of the Board of Trustees in accordance with General Municipal Law §711; and be it further

RESOLVED, that since the only occupied structure within the Annexed Territory is owned by the Idle Hour Club, Inc., and further since the Idle Hour Club, Inc. has expressed its desire to dispense with the special election as it is the only entitled voter thereon, the special election for such annexation is deemed unnecessary; and be it further

RESOLVED, that the Board of Trustees hereby finds that the acquisition of said lands for potential future use for economic, recreational and any other uses which the Board of Trustees finds, in working cooperatively with the Town of Fort Edward, is a valid public purpose for the acquisition of said lands and is in the best interests of the residents and taxpayers of the Village of Fort Edward and hereby approves the contract for such purchase; and be it further

RESOLVED, that the Mayor is authorized to execute any and all documents and to take all actions necessary to carry out the acquisition of the lands set forth on the attached Exhibit A as per the proposed contract, and the Mayor is authorized to approve reasonable changes to said contract, after review and approval by counsel to the Village of all documents necessary for such acquisition and that the grant funds so acquired with the Town of Fort Edward be used for such purpose; and be it further

RESOLVED, that the foregoing approval of the annexation of the Annexed Territory to the Village of Fort Edward shall take effect immediately, and that the foregoing approval of the acquisition of the Purchased Lands with the Town of Fort Edward shall take effect immediately.

Adopted this 8th day of March, 2010.

Roll Call Vote:

Trustee Darlene Devoe	Yes
Trustee Peter Williams	Yes
Trustee John Boucher	Yes
Trustee Richard Forte	Yes
Mayor Matthew Traver	Yes

Patricia Ives, Village Clerk

At this time the Fort Edward Town Board will pass the resolution approving the proposed annexation of certain territory located on Rogers Island in the Town of Fort Edward and

approving the joint acquisition of lands located on Rogers Island in the Town of Fort Edward and the Village of Fort Edward subject to permissive referendum.
Motion by Councilman Neal Orsini seconded by Councilman Timothy Fisher Resolution #22, 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 received 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 in the Town of Fort Edward 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, the Town Board of the Town of Fort Edward and the Board of Trustees of the Village of Fort Edward did set a public hearing on the proposed annexation which hearing was duly noticed as required in said §704 of the Municipal Annexation Law, and was thereafter properly called and held on March 8; and

WHEREAS, pursuant to §704 of the Municipal Annexation Law, persons interested in said annexation were permitted to be heard thereon at the public hearing; and

WHEREAS, the Town Board wishes to proceed with the foregoing 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 as tenants in common 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 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 Town Board of the Town of Fort Edward is authorized and empowered under §64 and §220 of the Town Law of the State of New York to acquire lands for valid public purposes; 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 a copy of said appraisal is on file with the Town Clerk of the Town of Fort Edward and the Village Clerk of the Village of Fort Edward; and

WHEREAS, the Village and Town have negotiated a proposed contract, a copy of which has been reviewed by counsel to the Village and Town; 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 the Board of Trustees of the Village of Fort Edward, acting as the lead agency for the review of the proposed action under SEQRA, has issued a negative declaration thereon; and

WHEREAS, the Town Board of the Fort Edward and the Village of Fort Edward do wish to move forward with the proposed Annexation of the proposed Annexed Territory and the proposed purchase of the Purchased Lands, and to proceed with the fulfillment of their respective obligations under the State Environmental Quality Review Act.

NOW THEREFORE BE IT:

RESOLVED, that the Town Board has received and reviewed the Negative Declaration prepared and duly adopted by the Board of Trustees of the Village of Fort Edward and finds that said negative declaration constitutes a hard look at the potential environmental impacts of the acquisition of the Purchased Lands and annexation of the Annexed Territory discussed herein, and hereby finds that the proposed acquisition and annexation, respectively, of said lands will not have an adverse environmental impact; and be it further

RESOLVED, that the Town Board hereby finds that the proposed annexation of the Annexed Territory to the Village of Fort Edward to be in the over-all public interests of the Town of Fort Edward; and be it further

RESOLVED, that the Town Board hereby approves and adopts the Joint Findings for the Annexation of Lands from the Town of Fort Edward to the Village of Fort Edward, attached hereto and incorporated herein, as the findings of the Town Board in accordance with General Municipal Law §711; and be it further

RESOLVED, that since the only occupied structure within the Annexed Territory is owned by the Idle Hour Club, Inc., and further since the Idle Hour Club, Inc. has expressed its desire to dispense with the special election as it is the only entitled voter thereon, the special election for such annexation is deemed unnecessary; and be it further

RESOLVED, that the Town Board hereby finds that the acquisition of said lands for potential future use for economic, recreational and any other uses which the Town Board finds, in working cooperatively with the Village of Fort Edward, is a valid public purpose for the acquisition of said lands and is in the best interests of the residents and taxpayers of the Town of Fort Edward and hereby approves the contract for such purchase; and be it further

RESOLVED, that the Supervisor is authorized to execute any and all documents and to take all actions necessary to carry out the acquisition of the lands set forth on the attached Exhibit A as per the proposed contract, and the Supervisor is authorized to approve reasonable changes to said contract, after review and approval by counsel to the Town of all documents necessary for such acquisition and that the grant funds so acquired with the Village of Fort Edward be used for such purpose; and be it further

RESOLVED, that the foregoing approval of the annexation of the Annexed Territory to the Village of Fort Edward shall take effect immediately, and that the foregoing approval of the acquisition of the Purchased Lands with the Village of Fort Edward shall take effect immediately.

Adopted this 8th day of March, 2010.

Roll Call Vote:

Councilman Richard Mercier Absent
Councilman Timothy Fisher Yes
Councilman Terry Middleton Absent
Councilman Neal Orsini Yes
Supervisor Mitchell Supernant Yes

Linda Miles, Town Clerk

Village Board Motion by Trustee DeVoe seconded by Trustee Forte to adjourn meeting at 7:17PM.

ALL AYES

Town Board motion by Councilman Fisher seconded by Councilman Orsini to adjourn meeting at 7:17PM.

ALL AYES

Dated – March 10, 2010

Patricia Ives, Clerk