



VILLAGE OF FORT EDWARD

118 Broadway, P.O. Box 345, Fort Edward, N.Y. 12828

Phone (518) 747-4023 ♦ Fax (518) 747-0476

www.villageoffortedward.com

RESOLVED, that the Mayor is At this time the Fort Edward Village Board will pass the Local Law #1-2010 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 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:



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

*RI
Annulation*

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

April 22, 2010

Patricia Ives, Clerk-Treasurer
Village of Fort Edward
118 Broadway
P.O.Box 345
Fort Edward, NY 12828

RE: Village of Fort Edward, Local Law 1. 2010, filed on Apr. 21, 2010

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

