

VILLAGE OF BROCKPORT
VILLAGE BOARD - MEETING AGENDA
Tuesday, February 12, 2013 7:00pm
Location: Village Hall conference room

- **CALL TO ORDER / PLEDGE:** please silence cell phones & electronic devices & refrain from texting
- **MOMENT OF SILENCE:** to honor those that serve our Country, enforce our laws, & respond to emergencies
- **MISSION STATEMENT:** "To provide a high quality of life for all residents, exercising fiscal responsibility and preserving Brockport's unique heritage and historic character."

- **PUBLIC COMMENT:** 5 minute limit per person / state name & address for record & speak directly to entire Board / share if this is a prepared statement & submit hard copy to Clerk after reading (& electronically next day)

- **CERTIFICATES & PROCLAMATIONS:**
 - BCSD – National School Counseling Week
 - Employee recognition – 25 years of service – Deborah Herzog

- **CONSENSUS ITEMS:**
 - Approval of minutes – 1/22 & 2/5
 - Approval of bills to be paid

- **CLERK REPORT:**
 - Clerk – Leslie Ann Morelli
 - 2013 Events Schedule – items due by 3/1
 - Notice for Electing Village Officers

- **OLD BUSINESS:**
 -

- **NEW BUSINESS:**
 - Bid results from Auctions International for sale of 2000 Dodge Ram 3500 Truck
 - SEQR – Monroe Avenue storm sewer project
 - Concur – Town Board as Lead Agency under SEQR re vacant land – Sweden Walker Road
 - Proposed resolution from Assemblyman Kearns re foreclosure bills A.88 & A.824 in NYS Assembly
 - Proposed resolution from Freshwater Future re keeping Asian Carp out of the Great Lakes

- **VILLAGE BOARD REPORTS:**
 - Mayor Maria Connie Castañeda
 -

 - Trustee William G. Andrews
 - 4/20/13 Landmark Society Conference – partnership opportunities

 - Trustee Margaret B. Blackman
 -

 - Trustee Kent R. Blair
 - 1st quarter 2013 newsletter – items due by 2/12

 - Trustee Carol L. Hannan
 -

- **EXECUTIVE SESSION** (if needed)

- **ADJOURNMENT**

Upcoming:

- Monday, 2/18 – Village Hall closed for holiday
- 7pm Tuesday, 2/26 – Village Board meeting (w/ Attorney, Treasurer, Department Heads)

GUIDELINES FOR PUBLIC COMMENT:

The public shall be allowed to speak only during the public comment period of the meeting or at such time as recognized by the presiding officer.

- Speakers must be visible.
- Speakers must give their name, address and organization, if any.
- Speakers must be recognized by the presiding officer.
- Speakers must limit their remarks to (5) five minutes on a given topic or extended if recognized by the presiding officer.
- Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- All remarks shall be addressed to the Board as a body and not to any member thereof.
- Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
- Interested parties or their representatives may address the Board by written communications in the event of creating a hardship to attend the meeting personally.

Village of Brockport
Fiscal Year 6/1/13 – 5/31/14
Budget Preparation Calendar
Adopted by Village Board 11/27/12

Thursday, 1/10/13	Treasurer to notify Department Heads (via memo w/ templates & discussion at Department Heads meeting) of the necessity for expense estimates
Tuesday, 1/22/13	Treasurer to provide “knowns” per contracts & rates: employees payroll & benefits / retirees benefits
Thursday, 1/24/13	Department Heads to submit expense estimates to Treasurer
Tuesday, 2/5/13	Village Board workshop w/ Treasurer & Department Heads - discuss department budget estimates
Tuesday, 2/26/13	Village Board meeting – update public on progress
Tuesday, 3/5/13	Village Board workshop w/ Treasurer – discuss & make revisions to budget estimates
Wednesday, 3/20/13	Treasurer to file tentative budget with Clerk
Tuesday, 3/26/13	Village Board meeting – update public on progress – Treasurer to present tentative budget to Village Board & Department Heads
Wednesday, 3/27/13 for 4/1/13 edition	Clerk to publish notice of public hearing on tentative budget
Tuesday, 4/2/13	Village Board workshop w/ Treasurer– discuss & make revisions to tentative budget
Tuesday, 4/9/13	Treasurer to present budget to public - public hearing on preliminary budget (Middle School L.G.I.)
Tuesday, 4/23/13	Village Board meeting – adopt budget (must be done by May 1 st)

**VILLAGE OF BROCKPORT
PROCLAMATION
NATIONAL SCHOOL COUNSELING WEEK**

WHEREAS, school counselors are employed in public and private schools to help students reach their full potential; and

WHEREAS, school counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

WHEREAS; school counselors help parents focus on ways to further the educational, personal and social growth of their children; and

WHEREAS; school counselors work with teachers and other educators to help students explore their potential and set realistic goals for themselves; and

WHEREAS; school counselors seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students become productive members of society; and

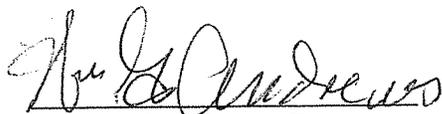
WHEREAS, comprehensive developmental school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school;

NOW, THEREFORE, citizens are encouraged to join with the Village Board in this salute to the Brockport Central School District giving due consideration to the important role of school counselors.

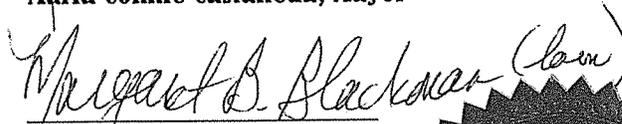
IN WITNESS WHEREOF, I Maria Connie Castañeda, Mayor of the Village of Brockport do hereby proclaim February 4-8, 2013 as National School Counseling Week. We hereby set our hand and cause the Corporate Seal of the Village of Brockport to be affixed this 29th day of January, in the year 2013.



Maria Connie Castañeda, Mayor



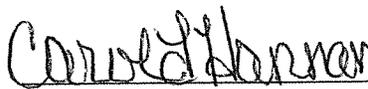
William G. Andrews, Trustee



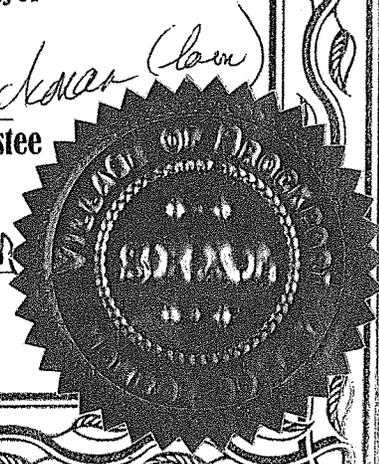
Margaret B. Blackman, Trustee



Kent R. Blair, Trustee



Carol L. Hannan, Trustee

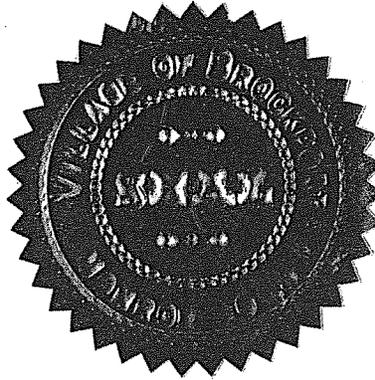


**Certificate of Appreciation
Presented to**

Deborah C. Herzog

**in recognition of 25 years of service
to the Village of Brockport
since 02/08/1988.**

With gratitude and congratulations.



Presented in the year 2013

Maria Connie Castañeda, Mayor

William G. Andrews, Trustee

Margaret B. Blackman, Trustee

Kent R. Blair, Trustee

Carol L. Hannan, Trustee



VILLAGE OF BROCKPORT

49 State Street · Brockport, New York 14420
Telephone (585) 637-5300 · Fax (585) 637-1045
Website: www.brockportny.org

*The Victorian Village on the Erie Canal
Preserve America Community
Listed on the State and National Registers of Historic Places
Certified Local Government
Tree City USA Community
Erie Canalway Heritage Award of Excellence*

*Reminder
at
Feb VBS
meeting*

TO: Village Board, Department Heads, Village Historian, Tree Board, Walk Bike Brockport Action Group, Brockport Merchants Association, Greater Brockport Chamber of Commerce, BISCO, Lion's Club, Kiwanis Club, Elks, Rotary, Navy Club, Brockport Area Veterans Club, Western Monroe Historical Society, Generation Cool, Seymour Library, Town of Sweden, SUNY College at Brockport, Catholic Migrant Ministry, Greater Brockport Development Corporation, and other event planners I may have missed...

FROM: Leslie Ann Morelli, Village Clerk

RE: 2013 Events Schedule

DATE: January 2013

Happy New Year!

It's time to gather information to be able to put together a 2013 events schedule. The schedule gets posted on the Village website, made available at the Village Hall, Welcome Center, Seymour Library, Town Hall, Senior Center, Community Center etc. It will also be used in marketing efforts with local media.

Thanks again to Norm Frisch for his design/formatting help the last few years!

I haven't heard anything new regarding the group that was looking into creating a greater Brockport events schedule via a paid subscription to an automated scheduling system. Therefore, I continue my willingness to solicit and gather information on behalf of the Village.

We want to include your group's 2013 event(s) if they are to be held within the Village of Brockport limits and open to the public. ***Please refer this to the appropriate person to consult your group and by March 1st email me at lmorelli@brockportny.org with the basic details of your 2013 events.***

Keep in mind that some events may need the approval of the Village Board as well as the cooperation of the Department of Public Works, Police Department, or Code Enforcement Office. This is particularly true if it involves a street closure request or the use of Village property or facilities. The Village Board meets at 7pm the 2nd and 4th Tuesday of each month. Agenda items are due one week prior. Department Heads (DPW Superintendent, Police Chief, and Code Enforcement Officer) are in attendance at the 4th Tuesday meetings.

If I am not informed about an event, I can't include it in the schedule, so be sure to e-mail me your information by March 1st. Thanks very much.

**VILLAGE OF BROCKPORT
NOTICE FOR ELECTING VILLAGE OFFICERS**

PLEASE TAKE NOTICE:

That the Annual General Village Election in and for the Village of Brockport will be held on Tuesday, June, 18, 2013 from Noon to 9pm with the following officers to be chosen: One (1) Mayor and Two (2) Trustees each for a four-year term of 07/01/13 to 06/30/17 , and

That the first day to circulate independent nominating petitions is Tuesday, April 2, 2013, and the last day to file said petitions at Monroe County Board of Elections is Tuesday, May 14, 2013. Petitions must indicate the office(s) and term thereto, for which it is filed, and

That the applications for absentee ballots will be accepted by Monroe County Board of Elections no earlier than Tuesday, February 19, 2013 and no later than Tuesday, June 11, 2013 for applications to be mailed or Monday, June 17, 2013 for personal applications by applicant or his/her agent.

That questions should be directed to Monroe County Board of Elections at (585) 753-1550.

Leslie Ann Morelli
Village Clerk
Village of Brockport

DATED: 2/7/13

Suburban News: Please publish in 2/11/13 edition.

Also posted on Village website and Village Hall bulletin board.

Leslie Ann Morelli

From: Linda Baker [lbaker@brockportny.org]
Sent: Wednesday, February 06, 2013 11:51 AM
To: 'Leslie Ann Morelli'
Subject: Look at this listing - 2000 Dodge Ram 3500 2-door

Leslie,

Can you add the following to the Board Agenda for 2/12.

Approval to accept high bid on 2000 Dodge Ram 3500 Truck at \$2850.

See link below for listing of bids.

<http://dev.auctionsinternational.com/servlet/Search.do?auctionId=776&itemId=5733>



Questions? Problem? Help?
 Bidding support is available M-F from 9 AM-5PM EST.
 Contact Mike at mikeb@auctionsinternational.com or
 (800) 536-1401 x115.

For bidding problems after 5PM EST and Saturdays
 10AM-5PM call 800-536-1401 x1.

- [Online Auctions](#)
- [Search Auctions](#) ▼

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- [Log In](#) ▼

- [Register To Bid](#)

Village of Brockport

2000 Dodge Ram 3500 with Plow and 1-ton Dump Box

Items Start Closing: Tuesday, Feb. 5, 2013, 6:00PM EST
Location: 38 East Avenue , Brockport, NY 14420 [Click here for Google Maps](#)

[Catalog](#) | [Download Catalog \(PDF\)](#)

Item # 1 -- 2000 Dodge Ram 3500 2-door

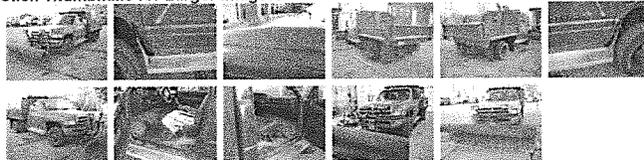
[Track Item](#) | [Email to a friend](#)



High Bid: 2,850.00 USD - remo01 [bidding history](#)

Bidding has closed on this lot

Click Thumbnails for Larger Images:



Item Details:

2000 Dodge Ram 3500 2-door

VIN# 3B6MF3658YM213800, 45083 miles
 5.9L/300, 8-Cyl, Gasoline engine. Automatic transmission. 4WD. Has a plow and a 1-ton, 8-ft bed dump box. Starts, runs, and drives. Tires are size 245 75 R16 and are in fair condition. Sold with keys and clean title.

Mechanical

Condition: Good

Notes: This has been a well maintained vehicle. Transmission slips

Body

Condition: Fair

Interior

Condition: Fair

Item sold subject to seller approval after bids close. For payments made with cash, money order, wire-transfer or guaranteed funds, a buyer's premium of 10% will be added to the high bid price. A 14% non-discounted buyer's premium will be added to the high bid price for payments made with credit cards, debit cards, personal or business checks. Applicable sales tax(es) will be charged on all items. All sales are final. No refunds will be issued. Item sold as-is, where-is, with no warranty written or implied. Buyer responsible for inspecting the items before placing bids, and prompt item removal within ten (10) business days after receipt of invoice. Seller is NOT responsible for providing tools or heavy equipment to aid in removal. Items left on seller's premises after this removal deadline will revert back to possession of the seller, with no refund.

QUESTIONS & INSPECTION: Please contact Harry Donahue at 585-637-1060. Item located in **MONROE** county at 38 East Avenue, Brockport, NY 14420. Inspection is by appointment **ONLY**.

Removal Terms

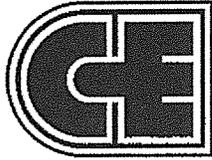
This item cannot be shipped. Buyer solely responsible for removal of items from seller's premises within (10) Business Days after bid approval. Buyer must contact the seller to schedule a removal appointment, before access will be granted to the merchandise. All sales are final. No refunds will be issued. All item(s) are sold "As-Is", "Where-Is", with no guarantees, neither written or implied. Items left on seller's premises after the designated pickup deadline are subject to re-possession by the seller. If you are going to have trouble picking your purchased items up by the deadline, call our office immediately!

Payment Terms

Payment will be due immediately upon notification of seller approval by email invoice, after the Seller approves the bids. After you receive the invoice, you will have five (5) business days to get your payment mailed to our office, or your account will be suspended, and the item will be awarded to the backup-bidder, or re-listed. Please mail payment in company check, certified funds or money order to: Auctions International, 11167 Big Tree Road, East Aurora, NY 14052. The US Postal Service offers two-day mail to the continental U.S.A. for less than \$5. Payment questions? Please Call: 1-800-536-1401 x101.
GENERAL QUESTIONS: email help@auctionsinternational.com

AM-776

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All Rights Reserved. Contact our main office at 1-800-536-1401 Mon-Fri from 9 am to 5 pm EST.



CHATFIELD ENGINEERS, P.C. • 2800 Dewey Avenue • Rochester, New York 14616
(585) 227-6040 • Fax (585) 227-4233

February 7, 2013

CE #95-215

Mayor M. Connie Castaneda
and Village Board Members
Village of Brockport
49 State Street
Brockport, NY 14420

RE: Village of Brockport
Monroe Avenue Storm Sewer Replacement

Dear Connie and Village Board Members:

We have reviewed the above referenced project with respect to the State Environmental Quality Review (SEQR). We believe that this action is a Type II Action according to the criteria set forth in 6NYCRR Part 617.5 (c)(2). The project has been classified as Type II because it is considered a replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site. Type II Actions are actions which have been determined not to have a significant effect on the environment and do not require Environmental Impact Statements or any other determination of procedure under the provisions of SEQR.

Type II actions are exempt or excluded actions and are not subject to review. No further action is required for the project in regards to SEQR. Therefore, we conclude that these actions need no further review under the State Environmental Quality Review Act.

For record keeping purposes, however, we have enclosed a Short Environmental Assessment Form. Please review the Form with the Village Board. If the Board is in agreement with our findings of no significant environmental impacts, please **sign** both pages and **return** a copy of the form to our office.

It would be advisable for the Board to recognize, in a formal resolution, that the project is considered a Type II Action under SEQR. We have attached a suggested resolution for your use. A copy of the Short Environmental Assessment Form should be attached to the resolution, and both kept on file.

Upon your review, should you have any questions please feel free to call.

Sincerely,


John Paul Schepp, PE

Enc. (by email only)

cc: Leslie Morelli, Village Clerk (w/ Enc.)
Harry Donahue, Superintendent of Public Works (w/ Enc.)
Rob Leni, Village Attorney (w/ Enc)

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Village of Brockport	2. PROJECT NAME Monroe Avenue Storm Sewer Replacement
3. PROJECT LOCATION: Municipality Village of Brockport County Monroe	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Monroe Avenue between Main Street and Utica Street	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: The project involves the replacement of approximately 800 linear feet of the existing storm sewer system with new 36-inch piping.	
7. AMOUNT OF LAND AFFECTED: Initially <u>0.1</u> acres Ultimately <u>0.1</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: Fully developed residential areas within the Village of Brockport	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Mayor Maria Castaneda</u> Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No adverse effects. Noise levels and traffic disruptions may be temporarily elevated during construction.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No adverse effects.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No adverse effects.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No changes as a result of the project

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 None. The area is fully developed.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 None

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 Energy will be consumed during construction.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Village of Brockport

_____ Name of Lead Agency

María Castaneda

_____ Print or Type Name of Responsible Officer in Lead Agency

_____ Signature of Responsible Officer in Lead Agency

_____ Date

Village Mayor

_____ Title of Responsible Officer

_____ Signature of Preparer (If different from responsible officer)



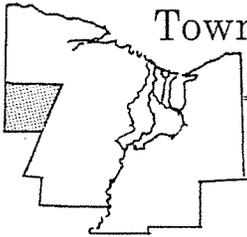
Suggested Resolution

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) procedures, the Village Board of the Village of Brockport has reviewed the significance of and potential environmental impact of the replacement of the existing storm sewer system and appurtenances along Monroe Avenue between the Main Street and Utica Street.

RESOLVED, that the Village Board hereby concurs with Chatfield Engineers, P.C. that the Project is considered a Type II Action in accordance with 6NYCRR Part 617.5 (c)(2); a replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site

RESOLVED, that the Village Board hereby accepts the Environmental Assessment of this project, prepared by Chatfield Engineers, P.C.. The Village Board further declares that, based on the Environmental Assessment, it finds that the projects will result in no significant adverse impacts to the environment and requires no further action.





Town of Sweden

18 State Street, Brockport, NY 14420

Web site www.townofsweden.org

Email karens@townofsweden.org

Fax: (585) 637-7389

kathvr@townofsweden.org

Assessor
(585) 637-8683

Building Dept.
(585) 637-8684

Finance
(585) 637-7588

Highway Dept.
(585) 637-3369

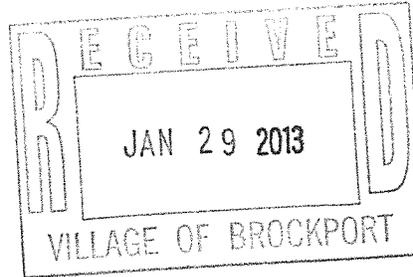
Supervisor
(585) 637-7588

Tax Receiver
(585) 637-2145

Town Clerk
(585) 637-2144

January 24, 2013

Village of Brockport, Village Board
Attn: Mayor Castaneda
49 State Street
Brockport, NY 14420



RE: Involved Agency under SEQR
Vacant Land – Sweden Walker Road

Pursuant to the State Environmental Quality Review (SEQR) Act, please be advised that the Town of Sweden Town Board (hereinafter referred to as Town Board) intends to establish itself as Lead Agency for the purpose of implementing the SEQR requirements with respect to the project described below. Enclosed for your review are the project application, the EAF Part 1 and a copy of the Notice of Intent to become Lead Agency Resolution.

The Town of Sweden Town Board has received an application and proposal to re-zone vacant land on Sweden Walker Road for the purpose of holding “mud run” events three to four times each year involving recreational racing of off-road vehicles. The property is currently split-zoned Residential (R-1) and Heavy Industrial (I-1). The applicant is requesting that the property, an approximate 115.67 +/- acres, be zoned Recreation-Commercial (B-3).

In accordance with 6NYCRR Part 617 all involved agencies must agree upon the Lead Agency designation within 30 calendar days of the date of receipt of this letter and the enclosed EAF. To facilitate such an agreement and to provide for sufficient time for discussion, if any, the Town Board requests that all response forms to this notice be returned to 18 State Street, Brockport, NY 14420 Attn: Karen M. Sweeting **no later than March 1, 2013.**

In the event that a response is not received at or before this time, your agency will be deemed to have no objection to the Town of Sweden Town Board assuming Lead Agency status for the purpose of this project. To facilitate your response, please complete the enclosed coordination request form and return it as part of your response.

Sincerely,

Karen M. Sweeting
Karen M. Sweeting

Town Clerk, Town of Sweden

**Town of Sweden
Vacant Land – Sweden Walker Road
Rezone Project**

SEQR LEAD AGENCY COORDINATION REQUEST

_____ This Agency has no objection to the Town of Sweden Town Board assuming Lead Agency status for this action.

_____ This Agency wishes to be considered for Lead Agency for this action.

_____ Other (see comments below)

Comments:

Agency

Signature

Title

Date

PLEASE RETURN TO: Town of Sweden
Karen M. Sweeting, Town Clerk
18 State Street
Brockport, NY 14420

NOTE:

If this form is not returned at or before **March 1, 2013** your agency will be deemed to have no objection to the Town of Sweden Town Board assuming Lead Agency status for this action.

TOWN OF SWEDEN
APPLICATION FOR REZONING

Date: 10-04-12

Fee Paid \$5,000.00

Applicants Name: Michael + Janice Waaghe

Cast Beed
10/4/12 (P)

Address: 4327 Sweden Walker Rd.

Brockport, NY 14420

Daytime Janice W: 544-7090 C: 331-7617

Telephone Number Mike: 202-6202

Fax Number Janice 544-7093

Description of Property Involved:

Address: 4327 Sweden Walker Rd.

Vacant Land

Distance, direction to and name of nearest major intersection 1/4 Rt. 260 + Rt. 31
mile

Tax ID# 265289 069.04-1-5.11 Parcel Size 115.67 * (total 115.67)
4 acres *
(involved)

Rezoning from Residential and Heavy to Industrial
Industrial Rec - Com B-3 MCJ

Include map of described area with application.

Michael Waaghe

Janice Waaghe

Signature of Applicant

To: Patricia Connors, Phyllis Brudz
Date: 8/9/12
Re: 4327 Sweden Walker Road – Mud Runs
Meetings – 8/8/12 & 8/9/12

On 8/8/12, I met with William Fletcher & Timothy Murphy, Monroe County Real Property Services; Steve Miller, NYSDEC, and Jan and Mike Waeghe at the site.

During the meeting, we discussed:

1. Water for the mud pit is being taken from a well they had drilled on the property. An electric generator is connected to the pump when they need water for the event and the water is not being used as potable drinking water.
2. A drainage swale on the east side of the property has been dammed up and overflows installed to permit some drainage of the pond. The overflows are plugged during the mud-run events. Water from the pond flows approximately 200 feet to the west into a tributary for Otis Creek. (The swale is overgrown and no signs of siltation in the swale were noted.)
3. Tim Murphy said the County may permit access to the site for the events. He felt they would have to obtain a permit from the County for each event and certificates of insurance naming the County as additional insured would be required. He felt that all interested agencies would have to approve before the County would be willing to issue a permit.
4. Tim Murphy felt the County would not be willing to sell the property to the Waeghe's. He said the property is valuable to the County as a possible linear park and hiking/biking trail. If used for hiking/biking they would use stone chips rather than the # 2 stone used at the entrance from Sweden Walker Road.
5. Steve Miller said the information he has indicates the Federal Wetlands are further to the west and may not pose a problem. The tributary to Otis Creek looks like it may be classified as a stream and fall under jurisdiction of the Corps of Engineers even though it is dry the majority of the year. If so certain measures would have to be in place to protect the stream.
6. Mike and Jan Waeghe both indicated that they would be willing to take the measures necessary to allow continuation of the events.
7. I said I would contact a representative of the Monroe County Stormwater Coalition to see what measures they would deem necessary to protect the stream.

On 8/9/12, I met with Robert Kiley from Monroe County Soil and Water Conservation District at the site.

1. Bob brought with him copies of maps indicating wetlands and classified streams on the property. Bob will check to verify if the information he has is up to date. However, one map indicates that there is a Federal Wetland at the location on the mud-run. The Tributary to Otis Creek is shown as a USGS

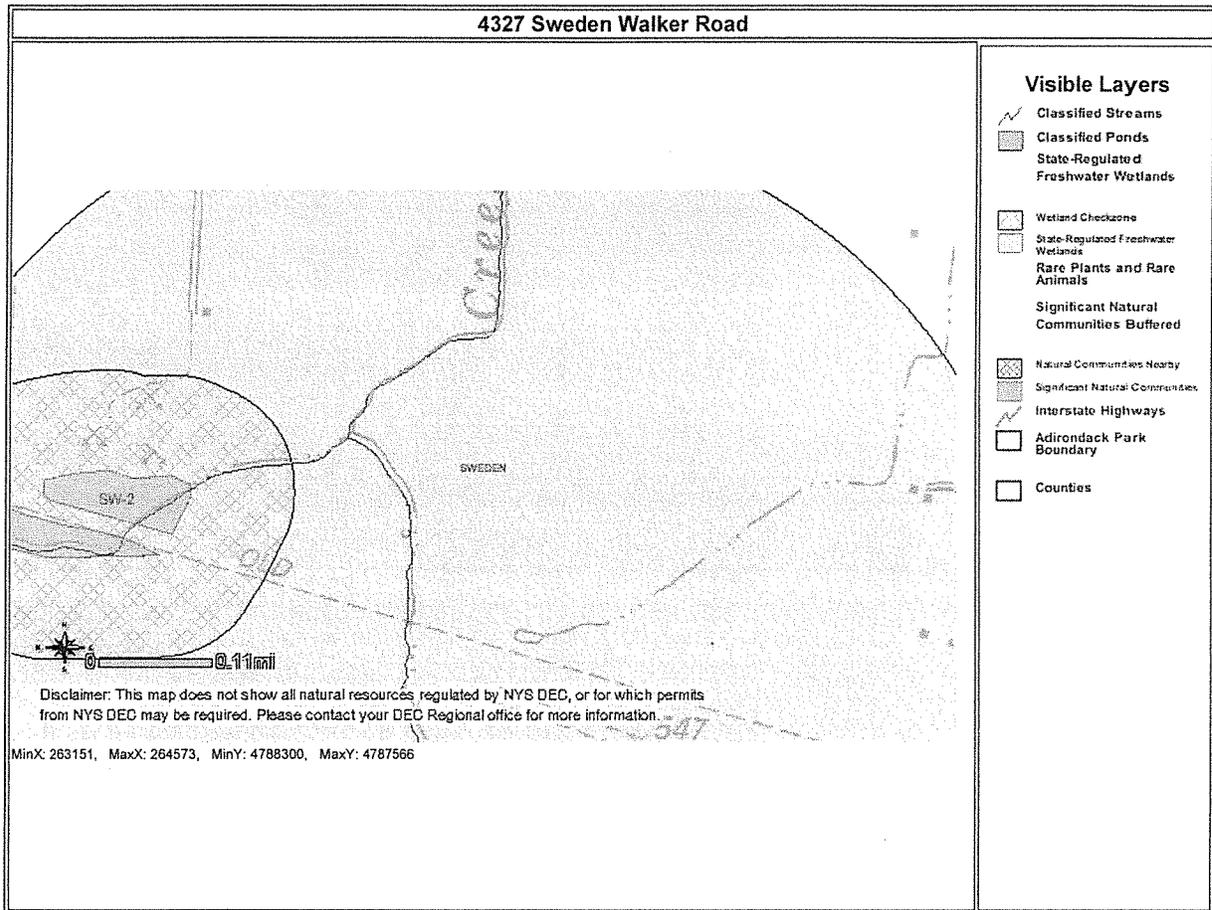
Stream. Bob will check the Farm Service Agency Federal Wetland Maps to see if there is a possibility that the wetlands were converted to non-wetlands when the field was previously used for agricultural purposes and if the area would revert to wetlands now that it is not being used for agricultural purposes.

2. Bob will check the classifications of the Tributary to Otis Creek and Otis Creek to determine how much concern the Corps of Engineers will have with these streams.
3. Bob will check with NYSDEC in Albany to determine the permit coverage that will be required for the site. If they consider the site a construction activity, a full-blown Storm Water Pollution Prevention Plan (SWPPP) will have to be prepared and filed with the State. For this engineered designs showing detention ponds and other measures would be required. If they consider the site as a recreational use a basic SWPPP just showing things like silt fence and other measures such as not draining the pit for several days after an event to let the silt settle out would probably suffice.
4. He will document his findings and get back to me.

Bill Fletcher called before we left the site and asked that I contact him about results of meeting with Bob. Called him back when I returned to office and told him about meeting with Bob and I would provide him with copy of Bob's report.

[print page] [close window]

Please set your printer orientation to "Landscape".



Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.



U.S. Fish and Wildlife Service

National Wetlands Inventory

4327 Sweden
Walker Road

Aug 9, 2012



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

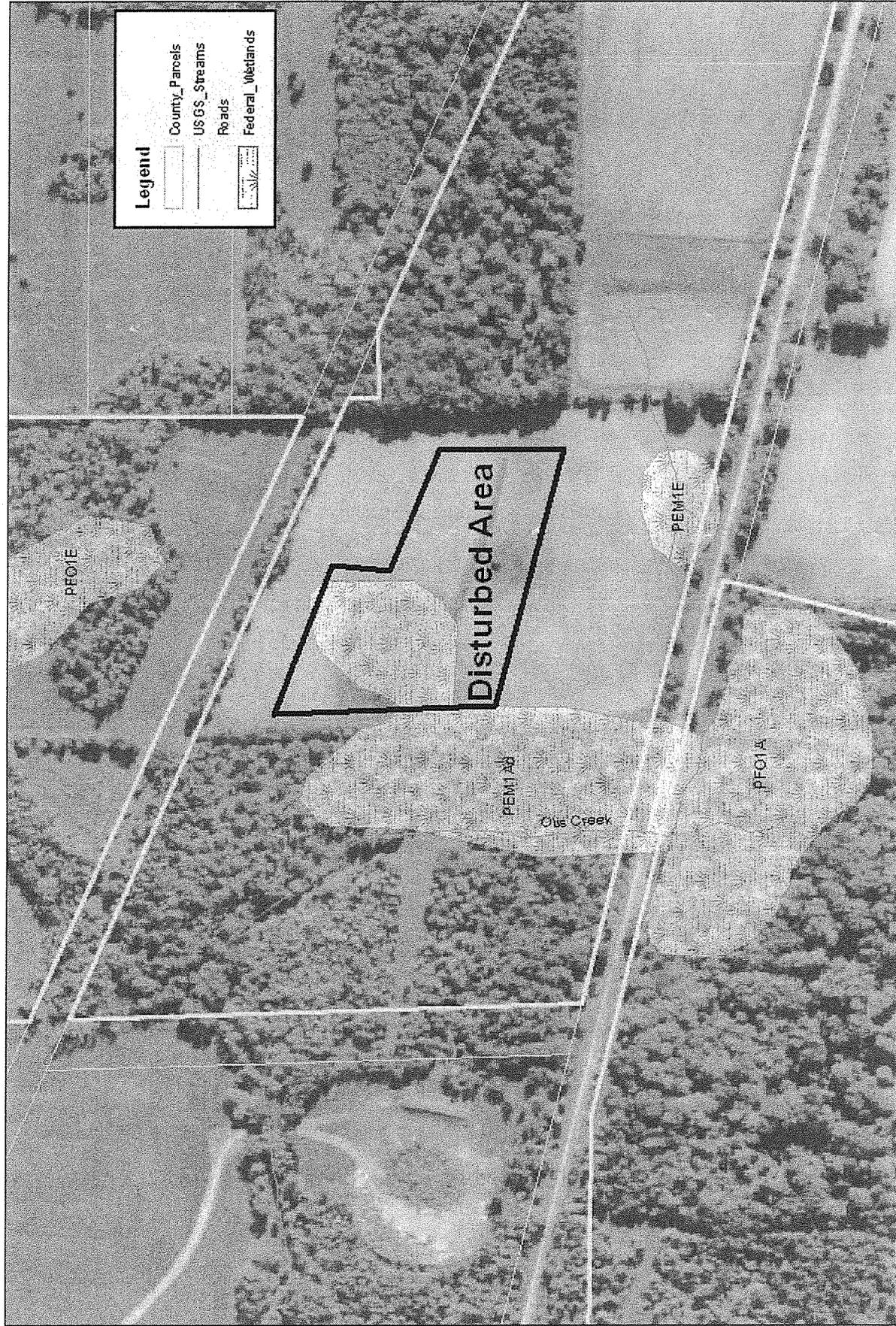
Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Riparian

- Herbaceous
- Forested/Shrub

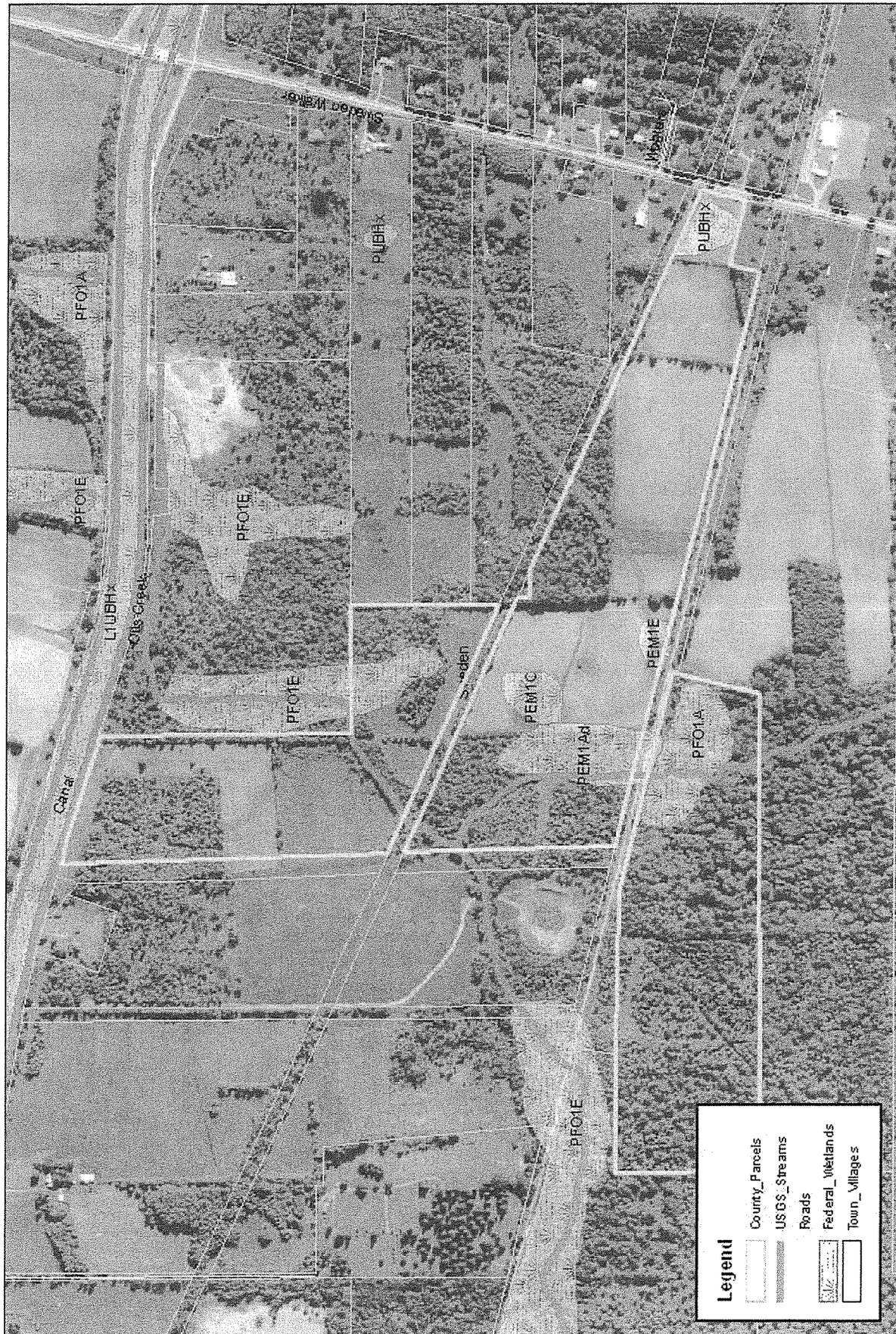
4327 Sweden Walker Federal Wetlands Map



Initials: RWK
Date: 8/8/2012

Monroe County Soil & Water Conservation District

Federal Wetlands




 Initials: RWK
 Date: 8-20-12

Monroe County Soil & Water Conservation District

0 225 450 900 Feet
1 inch equals 660 feet



To: Michael Waeghe
CC: Patricia Connors, Phyllis Brudz, Bill Fletcher
Date: 8/15/12
Re: 4327 Sweden Walker Road – Mud Runs
Information

Robert Kiley of Monroe County Soil and Water Conservation District met on the site on 8/9/12. We walked the site and discussed issues concerning permits etc. which may be needed to hold the events.

1. Bob brought with him copies of maps indicating wetlands and classified streams on the property. Bob will check to verify if the information he has is up to date. However, one map indicates that there is a Federal Wetland at the location on the mud-run. The Tributary to Otis Creek is shown as a USGS Stream. Bob will check the Farm Service Agency Federal Wetland Maps to see if there is a possibility that the wetlands were converted to non-wetlands when the field was previously used for agricultural purposes and if the area would revert to wetlands now that it is not being used for agricultural purposes.
2. Bob will check the classifications of the Tributary to Otis Creek and Otis Creek to determine how much concern the Corps of Engineers will have with these streams.
3. Bob will check with NYSDEC in Albany to determine the permit coverage that will be required for the site. If they consider the site a construction activity, a full-blown Storm Water Pollution Prevention Plan (SWPPP) will have to be prepared and filed with the State. For this engineered designs showing detention ponds and other measures would be required. If they consider the site as a recreational use a basic SWPPP just showing things like silt fence and other measures such as not draining the pit for several days after an event to let the silt settle out would probably suffice.
4. He will document his findings and get back to me.

On 8/14/12 Bob called me with the following information:

1. The area where the event is being held is a Federal Wetlands and under the jurisdiction of the Corps of Engineers. The tributary to Otis Creek is a classified stream and will also fall under the jurisdiction of the Corps and NYS DEC.
2. Bob got two answers regarding the need for a SWPPP from DEC. The individual at the Regional office in Avon indicated that a SWPPP would be required. The Albany office of DEC indicated that since construction activities were not occurring a SWPPP may not be required but various measures would have to be in place to prevent silt from being transported to Otis Creek. Albany would leave the determination of the measures to be taken and the need for a permit up to the Regional Office in Avon. The contact at the Regional Office is Dixon Rollins in the Division of Waters. Telephone 226-5468.

3. The Federal Wetlands are under the control of the Army Corps of Engineers. They will have to be contacted to determine what actions will be required. They may be concerned also with the runoff from the mounds, which have been constructed on the south side of the mud-pit. The Wetlands Division at the Buffalo Regional Office should be contacted. The telephone number is 716-879-4104.

Bob will document his findings and get a copy to me this next week.



Monroe County Soil and Water Conservation District

1200A Scottsville Road, Suite 160, Rochester, NY 14624

Phone: (585) 473-2120x3 • Fax: (585) 473-2124

August 27, 2012

Mr. Walt Windus
Code Enforcement Officer
Town of Sweden, Monroe County
18 State Street
Brockport, NY 14420

Mr. Windus,

This letter is in regards to the site visit that took place on 8/9/2012 at 4327 Sweden Walker Road, in the Town of Sweden, Monroe County to discuss permits for the disturbance of approximately 4 acres of soils for a "Mud Run" event. Below are my observations from the site visit and potential permits that may be required from the New York State Department of Environmental Conservation (NYS-DEC) and the United States Army Corps of Engineers (USACE).

The 4327 Sweden Walker Road parcel, tax ID number 069.04.1-5.11, is a 115.67 acre vacant rural plot located south of the Erie Canal within the Town of Sweden, as seen on the attached Location Map. Historically, this parcel has been farmed, but it appears to have been left fallow for the past several years. According to the United States Fish and Wildlife Service National Wetlands Inventory Resource Mapper, this parcel has six federal wetlands on site, as seen in the attached Federal Wetlands Map. These wetlands include PEM1E, PEM1C, PEM1Ad, PFO1A, PFO1E, and PUBHx. According to the New York State Department of Environmental Conservation's Environmental Resource Mapper a blue line stream is located on site as well. Otis Creek, a class C waterbody, bisects the western most side of the parcel, as seen in the attached Streams Map.

At the time of the site visit you described the landowner's use of the property for the "Mud Run" events. The landowner pumps groundwater into an area of exposed soils to create a large mud pit that vehicles traverse during the events. Approximately 4 acres of soil, located on the west side of the parcel and seen on the attached disturbed soils map, was disturbed at the time of the site visit. A small tractor outfitted with a chisel plow was on site appeared to be the apparatus used to disturb the 4 acres. Excess groundwater that becomes surface runoff is bisected by the stone roadway that the landowner has built along the west side of the mud pit. Two, six inch white PVC pipes drain the mud pit under the access road toward the west. These PVC pipes outlet into a conveyance channel west of the access road. This conveyance channel, which is approximately 150 feet long, flows to the west discharging into Otis Creek. South of the disturbed soils and main mud run track are several large earthen moguls and ramps,

presumably for monster trucks and other various off road vehicles to navigate during the events. These earthen ramps are fairly well vegetated with an estimated 70 percent vegetative cover.

The NYS-DEC regulates construction activities that disturb one acre or more of soil through the State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity. This permit, GP-0-10-001, authorizes stormwater discharges to surface waters of the State of New York from construction activities. Construction activities are defined as any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance. Clearing activities can include, but are not limited to, logging equipment operation, the cutting and skidding of trees, stump removal, and other brush root removal. The disturbance of the 4 acres on site in preparation for the "Mud Run" does fill, clear, excavate, demolish or stockpile soils on site. Soils in this location have traditionally been farmed so no fill, excavation, demolition, or clearing appears to have been conducted on site. However, the landowner does till the four acre mud run track, which may or may not classify as a grading activity because the site is not planting a crop. In addition, the construction of the earthen ramps and jumps to the south of the mud pit, would have been a regulated construction activity when they were constructed, due to the excavation and fill being defined as a construction activity. Due to the complex nature of this situation, I suggest that you contact the local NYS-DEC Region 8 field office and get an official determination. NYS-DEC, as the regulatory agent, will determine if permits are needed for this site. I recommend that you get in touch with Dixon Rollins, Regional Water Administrator to discuss this situation with him. He can be reached at (585) 226-5468.

The stormwater runoff from the Mud Run track must not impair or degrade Otis Creek on site. It is a violation of Environmental Conservation Law for a discharge from a site to either cause or contribute to a violation of water quality standards as contained in Parts 700- 705 of Title 6 of the Official Compilation of Code, Rules and Regulations of the State of New York. The mud run must not increase the turbidity of that water flowing into Otis creek so that there is a substantial visible contrast between natural conditions of flow. There shall be no increase in suspended, colloidal or settleable solids that will cause deposition or impair the waters best usage. Lastly, the mud run must not discharge any water into the waterways of the State of New York that contains any residue from oil and floating substances, visible oil films or globules of grease. A violation of water quality standards is punishable by a fine of \$37,500 per day per violation. The landowner must ensure that turbid water is not discharged off site or into Otis Creek.

Federal wetlands are regulated by the United States Army Corps of Engineers (USACE). Any watercourse and adjacent wetlands that drain to or feed any waterways that are navigable are subject to the USACE jurisdiction. The 4327 Sweden Walker Road parcel has several federal wetlands on site and as seen in the attached maps. The Mud Run event is located within the federal wetland PEM1C on site, which may be a regulatory issue. The USACE regulates the placement of fill into a federally designated wetland and therefore tilling activities not associated with farming and recreational use of the wetlands for a motor vehicle track may not be a permitted activity. I suggest that you contact the USACE field office in Buffalo for more information and potential permits that may be required. The Buffalo Office can be reached at (716) 879-4104.

If you have any questions regarding this letter, please contact me at my office line listed below.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Kiley". The signature is fluid and cursive, with the first name "Robert" being the most prominent part.

Robert W. Kiley, CPESC, MPS
Soil and Water Resource Technician
robert.kiley@ny.nacdnet.net



ENVIRONMENTAL RESOURCES, LLC
CONSULTING SERVICES

August 27, 2012

Mr. Michael Waegher
4327 Sweden Walker Road
Brockport, New York 14420

Subject: Wetlands Assessment and Regulatory Guidance, Concerning Sweden Swampers Use of Property at 4327 Sweden Walker Road, Town of Sweden, Monroe County, New York

Dear Mr. Waegher:

At your request, Environmental Resources, LLC conducted a wetlands assessment to review the activities associated with Sweden Swampers mud truck rallies and assess the impacts of those activities with respect to federal jurisdictional wetlands, and regulations under Section 404 of the *Clean Water Act*.

Our assessment included a review of federal wetland maps, an August 23 site visit/meeting with you to review the site wetlands and mud truck activities, a review of federal wetland regulations, and phone correspondence with Joseph Rowley, U.S. Army Corps of Engineers (Buffalo District office).

RESULTS

The National Wetlands Inventory Map identifies one probable wetland area which appears to be in the generally location of the Sweden Swampers "mud pit", through which the trucks run. Our field assessment confirmed this "mud pit" area to have the appropriate wetland criteria as defined by USACE.

As Section 404 of the *Clean Water Act* regulates activities associated with the discharge of fill into jurisdictional waters of the U.S. (including wetlands), the activities associated with the mud truck rallies (running trucks through mud pits) are exempt from those regulations. This opinion was confirmed by Mr. Rowley at USACE.

Based on our assessment your activities are currently not in violation of wetland regulations. It is our recommendation that future mud truck rallies continue as presently, and that you do not discharge fill into any portion of the mud pit/wetland. It is imperative that you continue the practice of "pulling" would-be stuck trucks out rather than excavating/digging them out, as the digging may result in incidental fill into the wetland.

No further action is necessary at this time with respect to jurisdictional wetlands and the activities associated with future Sweden Swampers mud truck rallies.

Sincerely,
Environmental Resources, LLC

Gene Pellett
Wetlands Ecologist/Member

From: Kiley, Robert - NRCS-CD, Rochester, NY [Robert.Kiley@ny.nacdnet.net]

Sent: Tuesday, September 04, 2012 9:10 AM

To: Walt Windus

Subject: RE: 4327 Sweden Walker Road - Mud Run

Environmental Resources letter addresses the concerns about the wetland issue on site. However, a no jurisdiction letter from the corps would be the most concrete piece of information to lay the wetland issue to rest permanently. I agree with your assessment that the Town should get a copy of a No Justification letter from the Corps.

As for the SWPPP issues on site. The landowner should get in touch with NYS-DEC Avon field office to inquire about the SPDES Permit Coverage. The local regional field office has the ability to determine is coverage is necessary. Again, I think the Town would want something in writing from DEC stating that no SPDES permits are required. If a SPDES permit is required on site, the landowner would have to develop a SWPPP and would have to follow all of the permit requirements listed in the general permit GP-0-10-001. I suggest that you point the landowner to Craig Jackson or Dixon Rollins in the Division of Water Resource at NYS-DEC Region 8 to get this determination. Phone would be 585-226-5468.

If you have any questions please contact me at my office line below.

Cheers,

--BK

Robert W. Kiley, CPESC, MPS.

Soil and Water Resource Technician

Monroe County Soil and Water Conservation District

1200A Scottsville Road, Suite 160

Rochester, NY 14624

(585)473-2120x111

Robert.kiley@ny.nacdnet.net

From: Walt Windus [mailto:waltw@townofsweden.org]

Sent: Friday, August 31, 2012 10:49 AM

To: Kiley, Robert - NRCS-CD, Rochester, NY; bfletcher@monroecounty.gov

Cc: Patricia Connors; Phyllis Brudz

Subject: 4327 Sweden Walker Road - Mud Run

Received the attached from the Waeghe's. The letter they sent is from Environmental Resources, LLC and says that they feel the mud-run will be OK. I believe we should have a letter directly from the Corps of Engineers before we allow the mud-runs to proceed. Any thoughts?

Also sending a copy of Bob Kiley's letter, which I don't know if I've copied everyone on as of yet.

Questions remaining?

Bob, have we figured out what they have to do as far as SWPPP yet?

Bill, what additional information are they going to have to provide before the County will issue a permit to use the old trolley bed for access to the site?

As the property is residential, not industrial, as originally thought, what will the be the decision of the Town as to allowing this activity on this site?

My personal feelings are that we can't allow them to hold the event until we get some more answers.

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: BFletcher@monroecounty.gov
Sent: Tuesday, September 04, 2012 2:24 PM
To: Walt Windus
Cc: Phyllis Brudz; Robert.kiley@ny.nacdn.net; Patricia Connors; TMurphy@monroecounty.gov
Subject: Re: 4327 Sweden Walker Road - Mud Run
Hi Walt,

Thanks for keeping us informed. If you feel a letter should be obtained from the Corps of Engineers stating their opinion before another event takes place we will support you in that position. We feel that any contact with the Corps should be initiated by the Town. If and when the Town is satisfied of all the key issues involved and decides to issue them a Special Use permit for each specific event that the Waeghe's plan on holding, the County will then issue a permit to use the County-owned right of way in conjunction with the Town-issued permit, after the Waeghe's have satisfied us on our insurance requirements.

Bill Fletcher
Special Projects & Real Estate Manager
Office 753-1207

From: "Walt Windus" <waltw@townofsweden.org>
To: <Robert.kiley@ny.nacdn.net>, <bletcher@monroecounty.gov>,
Cc: "Patricia Connors" <supervisor@townofsweden.org>, "Phyllis Brudz" <PhyllisB@townofsweden.org>
Date: 08/31/2012 10:50 AM
Subject: 4327 Sweden Walker Road - Mud Run

Received the attached from the Waeghe's. The letter they sent is from Environmental Resources, LLC and says that they feel the mud-run will be OK. I believe we should have a letter directly from the Corps of Engineers before we allow the mud-runs to proceed. Any thoughts?

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[attachment "Letter - Bob Kiley 8-27-12.pdf" deleted by Bill Fletcher/FI/Monroe] [attachment "4327 Sweden Wlkr Environ 8-27-12.pdf" deleted by Bill Fletcher/FI/Monroe]

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Retain
re: Town Clerk
J. Bell

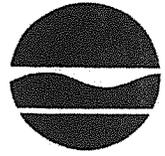
New York State Department of Environmental Conservation

Division of Water, Region 8

6274 East Avon-Lima Road, Avon, New York 14414-9516

Phone: (585) 226-5450 • Fax: (585) 226-9485

Website: www.dec.ny.gov



Joe Martens
Commissioner

September 20, 2012

Ms. Janice K. Waeghe
4327 Sweden Walker Road
Brockport, NY 14420

RE: Mud Run Events – Sweden Walker Road Property
Compliance with Stormwater Permit Requirements
Sweden (T), Monroe County

Dear Ms. Waeghe:

In response to your letter of September 5, 2012 please note the following comments:

1. The area used for the “mud runs” was graded or otherwise modified several years ago to use for this purpose. Since over one acre of soil was disturbed at that time, stormwater permit coverage should have been obtained.
2. Any additional area that is graded or otherwise disturbed must be done in compliance with our construction general permit. Permit coverage must be obtained prior to any additional disturbance creating new area to be used for the mud run.
3. The drainage pipe leading from the mud run area to a drainage swale must be plugged before preparing the site for an event. It must remain plugged for the duration of the event and for several weeks following an event to allow soils to dry to the extent possible. The pipe may then be unplugged.
4. Should the discharge from the pipe of other activity at the site cause or contribute to a water quality violation, you may be subject to penalties as allowed by the Environmental Conservation Law (ECL). Monetary penalties are up to \$37,500 per day per violation. Environmental Conservation Officers may also issue criminal tickets for violations of our stormwater and wastewater requirements.
5. Proper sanitary facilities must be provided during the events. Vehicle owners may not drain oils or other vehicle fluids onto the ground if repairs are needed. All trash must be removed for proper offsite disposal.
6. Approval from Monroe County must be obtained to use their right of way for access to the mud run area. Additionally, this access way must meet our requirements for a construction entrance so that mud from vehicles is not tracked onto other public roads. The stormwater contact in the Town of Sweden can assist you with this requirement.
7. The Town of Sweden and/or Monroe County may impose additional requirements on this event.

Ms. Waeghe
Page 2
September 20, 2012

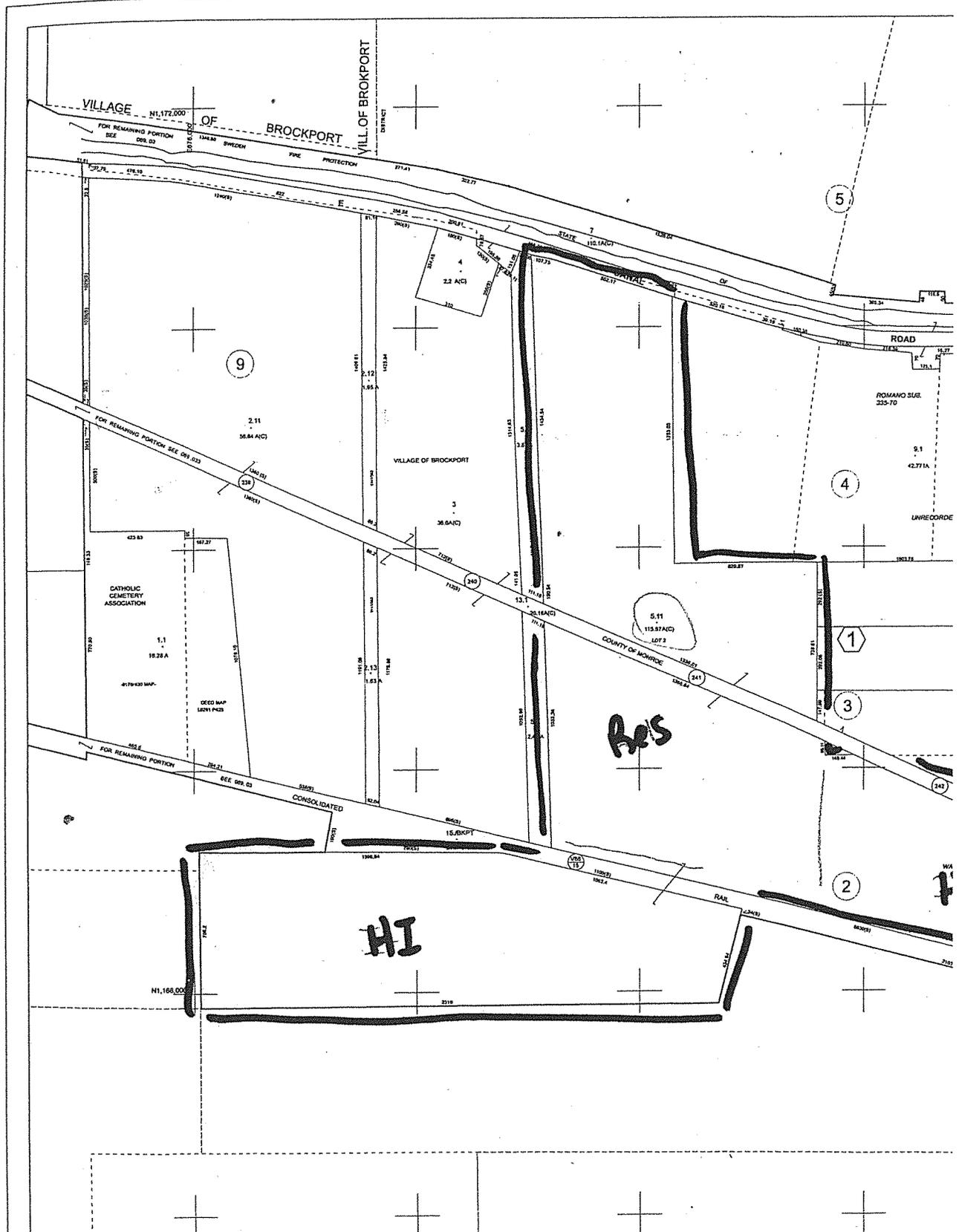
Should you have any questions regarding this letter or other Division of Water programs, please contact me at 585 226 5468. Note: This letter does not address compliance with federal or state wetland regulations or requirements.

Sincerely,



Dixon Rollins, P.E.
Regional Water Engineer

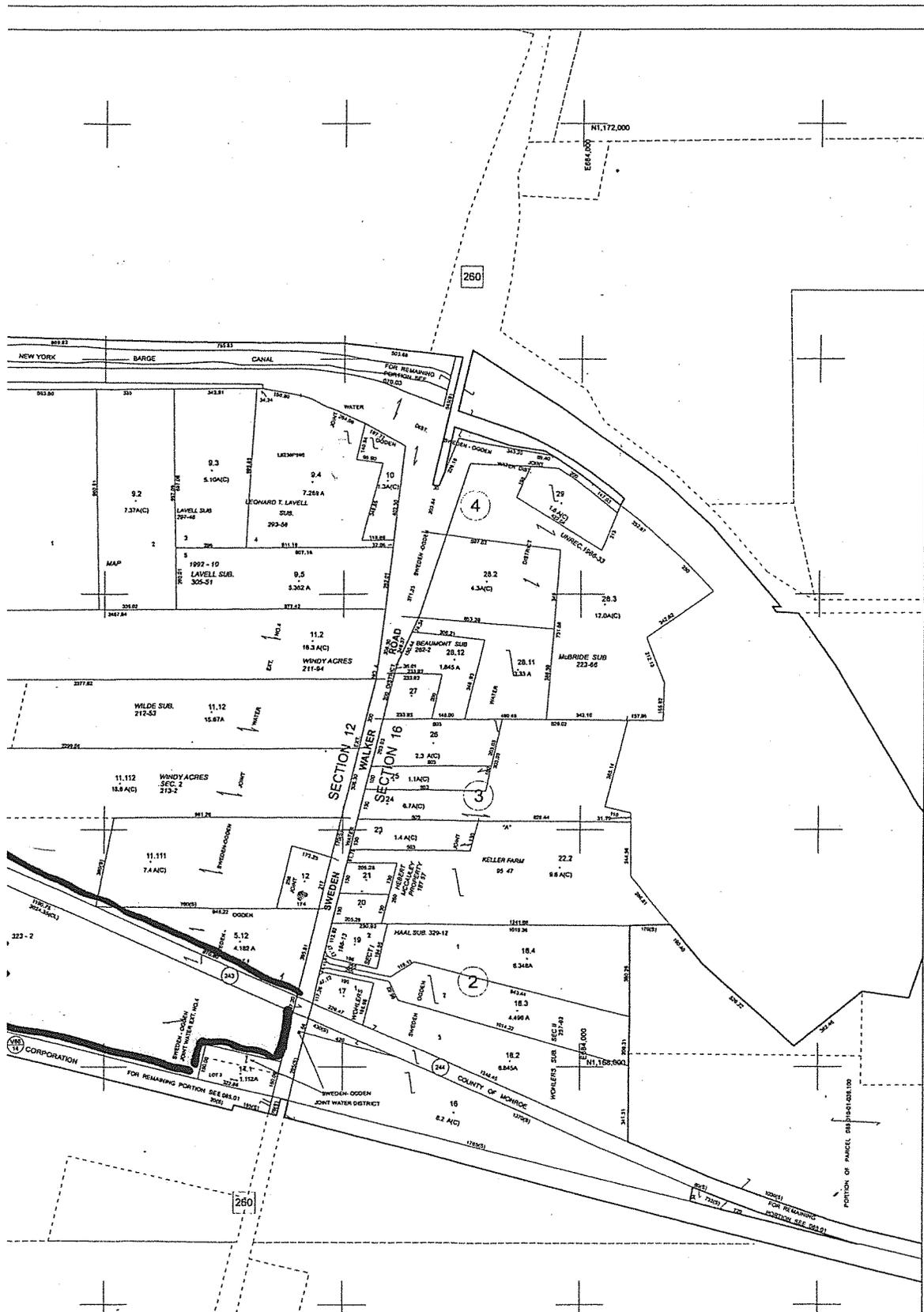
→ cc: W. Windus, Town of Sweden



MAP REVISIONS				SPECIAL DISTRICTS				NOTES
DATE	MADE BY	DATE	MADE BY	DATE	MADE BY	DATE	MADE BY	
03/12/2001	TBC	01/23/2001	TBC					BACKSINKING: Lines of monuments and points for construction thereof is established by law. Contact the Monroe County Surveyor for the exact monument location. Copyright 1997. All rights reserved by the County of Monroe. Reproduction, distribution, sale, or circulation of this map or any portion thereof, is prohibited without written permission of the Monroe County Director of Planning. THIS MAP IS FOR TAX PURPOSES ONLY
01/12/2001	TBC	01/23/2001	TBC					
01/12/2001	TBC	01/23/2001	TBC					
01/12/2001	TBC	01/23/2001	TBC					

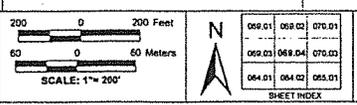
069.03

Provided by Landmax Data Systems, Inc. Dec 2012



S	Swamp District	W	Shore/Terrace District	2	Tax Map Parcel No.
F	Fire District	K	Stewards District		Original Sublot No.
W	Water District	P	Pure Waters District	17.5A	Assessmt
L	Light District	SCH	School District	225.54	Lot Dimension
R	Religious District	D	Development District	172.55 (D)	Dist Dimension
D	Park District			500 (D)	Block Dimension

← Denotes Parcel Continuation



TOWNSHIP 3 TAX MAP 069.04

Town of Sweden
Monroe County, New York

Maggie Brooks
County Executive

REAL PROPERTY TAX SERVICE AGENCY
Map Date May 31, 2012

069.01	069.02	070.01
069.03	069.04	070.02
064.01	064.02	065.01

SHEET INDEX

Legal Description
Vacant Land – Sweden Walker Road
Tax Account #069.04-1-5.11

Schedule “A”

All that tract or parcel of land situated in Town Lot 2, Township 3, Section 12 of the Triangular Tract in the Town of Sweden, County of Monroe, State of New York and being more particularly described as follows:

Beginning at a point in the centerline of Sweden Walker Road a distance of 2,060.05 feet north of the intersection of Sweden Walker road and Brockport Spencerport Road;

Thence westerly on a bearing of N 75° 50' 35" W a distance of 355.86 feet to a point;

Thence southerly on a bearing of S 13° 27' 15" W a distance of 97.77 feet to a point, said point being in the north line of lands now or formerly Consolidated Rail Corporation;

Thence westerly along the north line of lands now or formerly Consolidated Rail Corporation on a bearing of N 75° 58' 56" W a distance of 1,992.06 feet to a point;

Thence southerly across the lands now or formerly Consolidated Rail Corporation on a bearing of S 14° 46' 04" W a distance of 66.01 feet to a point, said point being the point of commencement;

Thence southerly on a bearing of S 14° 46' 04" W a distance of 434.94 feet to a point;

Thence westerly on a bearing of N 89° 58' 56" W a distance of 2,310.00 feet to a point;

Thence northerly on a bearing of N 00° 13' 56" W a distance of 706.20 feet to a point;

Thence easterly on a bearing of S 88° 46' 23" E a distance of 1,396.94 feet to a point, said point being in the south line of lands now or formerly Consolidated Rail Corporation;

Thence easterly along the south line of lands now or formerly Consolidated Rail Corporation on a bearing of S 75° 58' 56" E a distance of 1,058.64 feet to a point, said point being the true point and place of beginning.

Being and hereby intending to describe a parcel of land containing 34.548 acres of land more or less.

Schedule “B”

All that tract or parcel of land situated in Town Lot's 2 & 3, Township 3, Section 12 of the Triangular Tract in the Town of Sweden, County of Monroe, State of New York and being more particularly described as follows:

Beginning at a point in the centerline of Sweden Walker road a distance of 2,060.05 feet north of the intersection of Sweden Walker Road and Brockport Spencerport Road;

Thence westerly on a bearing of N 75° 50' 35" W a distance of 355.86 feet to a point;

Thence southerly on a bearing of S 13° 27' 15" W a distance of 97.77 feet to a point, said point being in the north line of lands now or formerly Consolidated Rail Corporation;

Thence westerly along the north line of lands now or formerly Consolidated Rail Corporation on a bearing of N 75° 58' 56" W a distance of 2,866.76 feet to a point;

Thence northerly on a bearing of N 01° 38' 00" W a distance of 1,032.38 feet to a point, said point being in the south line of lands now or formerly County of Monroe;

Thence easterly along the south line of lands now or formerly County of Monroe on a bearing of S 65° 43' 00" E a distance of 1,368.64 feet to a point;

Thence southerly on a bearing of S 01° 31' 28" E a distance of 66.11 feet to a point;

Thence easterly on a bearing of S 89° 52' 15" E a distance of 145.44 feet to a point, said point being in the south line of lands now or formerly County of Monroe;

Thence easterly along the south line of lands now or formerly County of Monroe on a bearing of S 65° 43' 00" E a distance of 1,990.75 feet to a point, said point being in the west right of way of Sweden Walker Road;

Thence southerly along the west right of way of Sweden Walker Road on a bearing of S 13° 27' 15" W a distance of 269.67 feet to a point, said point being the true point and place of beginning.

Being and hereby intending to describe a parcel of land containing 50.118 acres of land more or less.

Schedule "C"

All that tract or parcel of land situated in Town Lot's 3 & 4, Township 3, Section 12 of the Triangular Tract in the Town of Sweden, County of Monroe, State of New York and being more particularly described as follows:

Beginning at a point in the centerline of Sweden Walker Road a distance of 2,060.05 feet north of the intersection of Sweden Walker Road and Brockport Spencerport Road;

Thence westerly on a bearing of N 75° 50' 35" W a distance of 355.86 feet to a point;

Thence southerly on a bearing of S 13° 27' 15" W a distance of 97.77 feet to a point, said point being in the north line of lands now or formerly Consolidated Rail Corporation;

Thence westerly along the north line of lands now or formerly Consolidated Rail Corporation on a bearing of N 75° 58' 56" W a distance of 2,866.76 feet to a point;

Thence northerly on a bearing of N 01° 38' 00" W a distance of 1,032.38 feet to a point, said point being in the south line of lands now or formerly County of Monroe;

Thence northerly across the lands of now or formerly County of Monroe on a bearing of N 01° 38' 00" W a distance of 73.38 feet to a point, said point being in the north line of lands now or formerly County of Monroe and the point of commencement;

Thence northerly on a bearing of N 01° 38' 00" W a distance of 190.54 feet to a point;

Thence northerly on a bearing of N 02° 39' 44" W a distance of 1,434.54 feet to a point, said point being in the south line of the blue line for the Barge Canal;

Thence easterly along the south line of the blue line for the Barge Canal on a bearing of S 79° 27' 06" E a distance of 107.75 feet to a point;

Thence easterly along the south line of the blue line for the Barge Canal on a bearing of S 73° 02' 16" E a distance of 552.17 feet to a point;

Thence southerly on a bearing of S 00° 11' 06" E a distance of 1,253.03 feet to a point;

Thence easterly on a bearing of S 89° 55' 47" E a distance of 629.67 feet to a point;

Thence southerly on a bearing of S 01° 42' 44" E a distance of 738.61 feet to a point, said point being in the north line of lands now or formerly County of Monroe;

Thence westerly along the north line of lands now or formerly County of Monroe on a bearing of N 65° 43' 00" W a distance of 1,336.01 feet to a point, said point being the true point and place of beginning.

Being and hereby intending to describe a parcel of land containing 31.393 acres of land more or less.

Subject to all covenants, easements and restrictions of record if any affecting said premises as recorded in the Monroe County Clerk's Office.

Being and hereby intending to describe a parcel of land as shown on a map titled "Map of Survey Showing Waller Subdivision", as prepared by Maier Land Surveying, containing 116.059 acres of land more or less to the right of way of Sweden Walker Road.



PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Rezoning from Residential to Recreational-Commercial

Location of Action (include Street Address, Municipality and County)

Sweden-Walker Road, Town of Sweden, Monroe County

Name of Applicant/Sponsor Applicant Micheal & Janice Waeghe

Address 4327 Sweden-Walker Road

City / PO Brockport State New York Zip Code 14420

Business Telephone (585)331-7617

Name of Owner (if different) n/a

Address n/a

City / PO n/a State n/a Zip Code n/a

Business Telephone n/a

Description of Action:

Property is currently zoned Residential would like to have property rezoned to be Recreational-Commercial

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: 115.67+/- acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>n/a</u> acres	<u>n/a</u> acres
Forested	<u>12.4</u> acres	<u>12.4</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>11.6</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Articles 24.25 of ECL)	<u>5</u> acres	<u>5</u> acres
Water Surface Area	<u>n/a</u> acres	<u>n/a</u> acres
Unvegetated (Rock, earth or fill)	<u>n/a</u> acres	<u>n/a</u> acres
Roads, buildings and other paved surfaces	<u>n/a</u> acres	<u>n/a</u> acres
Other (Indicate type) _____	<u>n/a</u> acres	<u>n/a</u> acres

3. What is predominant soil type(s) on project site? _____

- a. Soil drainage: Well drained 20 % of site Moderately well drained 18 % of site.
 Poorly drained 26 % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock over 7 (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 100 % 10- 15% _____ % 15% or greater _____ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? 2 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

15. Streams within or contiguous to project area:

Yes

a. Name of Stream and name of River to which it is tributary

Otis Creek

16. Lakes, ponds, wetland areas within or contiguous to project area:

Yes

b. Size (in acres):

5.0 acres +/-

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 115.67+/- acres.
- b. Project acreage to be developed: 24 acres initially; 11.6 acres ultimately.
- c. Project acreage to remain undeveloped: 12.4 acres.
- d. Length of project, in miles: n/a (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. 0 %
- f. Number of off-street parking spaces existing n/a; proposed n/a
- g. Maximum vehicular trips generated per hour: n/a (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> |
| Ultimately | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> | <u>n/a</u> |
- i. Dimensions (in feet) of largest proposed structure: n/a height; n/a width; n/a length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? n/a ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? n/a tons/cubic yards.
3. Will disturbed areas be reclaimed Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed?
-
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? n/a acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: n/a months, (including demolition).

7. If multi-phased:

a. Total number of phases anticipated n/a (number).

b. Anticipated date of commencement phase 1: n/a month n/a year, (including demolition)

c. Approximate completion date of final phase: n/a month. n/a year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction n/a; after project is complete _____

10. Number of jobs eliminated by this project. n/a

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name. _____; location. _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity _____ gallons/minute.

23. Total anticipated water usage per day _____ gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town Zoning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Re-zoning</u>	_____
			_____	_____
			_____	_____
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|--|---|--|--------------------------------------|
| <input checked="" type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

One Family Residential

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

n/a

4. What is the proposed zoning of the site?

Recreational-Commercial

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

n/a

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Heavy Industrial, One Family Residential, Retail-Commercial

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? _____

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

Events will happen 3 to 4 times a year

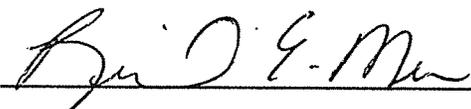
D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Sponsor Richard E. Maier Date 12/19/12

Signature 

Title Land Surveyor

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|--|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|--|
| • Proposed Action would change flood water flows. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|--|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|--|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|--|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
 NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
 NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

- Other impacts: Yes No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

- NO YES

Examples that would apply to column 2

- The permanent foreclosure of a future recreational opportunity. Yes No
- A major reduction of an open space important to the community. Yes No
- Other impacts: Yes No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

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 YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- Proposed Action to locate within the CEA? Yes No
- Proposed Action will result in a reduction in the quantity of the resource? Yes No
- Proposed Action will result in a reduction in the quality of the resource? Yes No
- Proposed Action will impact the use, function or enjoyment of the resource? Yes No
- Other impacts: Yes No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|--|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|--|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|--|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

- | | | | |
|---|--|--|--|
| <ul style="list-style-type: none"> • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. • Other impacts: | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|---|--|--|--|

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- | | | | |
|--|--|--|---|
| <ul style="list-style-type: none"> • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. • Proposed Action will conflict with officially adopted plans or goals. • Proposed Action will cause a change in the density of land use. • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|--|--|---|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
 NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

RESOLUTION NO. 19 Notice of Intent to be Lead Agency in the SEQRA Process for the Zoning Application of Vacant Land on Sweden Walker Road in the Town of Sweden

WHEREAS, the Town Board of the Town of Sweden has received an application and proposal to re-zone vacant land on Sweden Walker Road for the purpose of holding "mud run" events three to four times each year involving recreational racing of off-road vehicles; and

WHEREAS, the property is currently zoned Heavy Industrial (I-1) and Residential (R-1); and

WHEREAS, the applicants, Mike and Janice Waeghe desire to re-zone the vacant land to Recreation-Commercial (B-3) an approximate 115.67+/- acres of Tax Account No. 069.04-1-5.11; and

WHEREAS, the Town Board recognizes that there is a need and requirement under the State Environmental Quality Review Act to classify, fully assess and determine the environmental significance of the impact of the proposed project; and

WHEREAS, the Town Board recognizes that the other involved agencies, as identified under the SEQRA Regulations and the EAF, part 1, Item 25, are the Town of Sweden Planning Board, Village of Brockport, the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Transportation (NYSDOT), the Corp. of Engineers, the Monroe County Planning & Development, Monroe County Pure Waters (MCPW), the Monroe County Water Authority (MCWA), the Monroe County Department of Health (MCDOH), and the Monroe County Department of Transportation, and thus the action of the proposed re-zoning is subject to a coordinated review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. The Town Board of the Town of Sweden does hereby declare its intent to be designated the Lead Agency for the Coordinated Review and Determination of Significance under SEQRA for the above referenced action.

Sec. 2. The Town Clerk shall provide the previously identified involved agencies with a copy of the application and the EAF, together with a copy of this Resolution, and request of said involved agencies their concurrence therewith.

Sec. 3. The Town Board intends to adopt a resolution at a Town Board meeting in March 2013, but in no event less than thirty (30) days after the Town Clerk furnishes to all involved agencies the papers directed to be furnished herein, by which the Town Board will establish itself as the lead agency under SEQRA, providing that there are no objections thereto received from the above mentioned agencies.

Sec. 4. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Johnson
Seconded by Councilperson Donohue

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Johnson	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – January 22, 2013

Adopted

WHEREAS, Mike and Janice Waeghe, 4327 Sweden Walker Road, Brockport, New York, the owners of the vacant land on Sweden Walker Road in the Town of Sweden, have submitted to the Town Board an application to re-zone the vacant land on Sweden Walker Road currently split-zoned Residential (R-1) and Heavy Industrial (I-1) to Recreation-Commercial (B-3) for the purpose of holding “mud run” events three to four times each year involving recreational racing of off-road vehicles; and

WHEREAS, Part I of the required State Environmental Quality Review (SEQR) Full Environmental Assessment Form and a map of the property has been filed with the town along with the required fee.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Town Board of the Town of Sweden will hold a public hearing at the Town Hall, 18 State Street, Brockport, New York, in said Town on March 12, 2013 at 6:45 PM to hear all persons interested in the re-zoning of the vacant land on Sweden Walker Road.

Sec. 2. That the area proposed to be re-zoned is 115.67 +/- acres of Tax Account No. 069.04-1-5.11.

Sec. 3. That the area proposed to be re-zoned is more specifically described as follows:

**Legal Description
Vacant Land – Sweden Walker Road
Tax Account #069.04-1-5.11**

Schedule “A”

All that tract or parcel of land situated in Town Lot 2, Township 3, Section 12 of the Triangular Tract in the Town of Sweden, County of Monroe, State of New York and being more particularly described as follows:

Beginning at a point in the centerline of Sweden Walker Road a distance of 2,060.05 feet north of the intersection of Sweden Walker road and Brockport Spencerport Road;

Thence westerly on a bearing of N 75° 50' 35" W a distance of 355.86 feet to a point;

Thence southerly on a bearing of S 13° 27' 15" W a distance of 97.77 feet to a point, said point being in the north line of lands now or formerly Consolidated Rail Corporation;

Thence westerly along the north line of lands now or formerly Consolidated Rail Corporation on a bearing of N 75° 58' 56" W a distance of 1,992.06 feet to a point;

Thence southerly across the lands now or formerly Consolidated Rail Corporation on a bearing of S 14° 46' 04" W a distance of 66.01 feet to a point, said point being the point of commencement;

Thence southerly on a bearing of S 14° 46' 04" W a distance of 434.94 feet to a point;

Thence westerly on a bearing of N 89° 58' 56" W a distance of 2,310.00 feet to a point;

Thence northerly on a bearing of N 00° 13' 56" W a distance of 706.20 feet to a point;

Thence easterly on a bearing of S 88° 46' 23" E a distance of 1,396.94 feet to a point, said point being in the south line of lands now or formerly Consolidated Rail Corporation;

Thence easterly along the south line of lands now or formerly Consolidated Rail Corporation on a bearing of S 75° 58' 56" E a distance of 1,058.64 feet to a point, said point being the true point and place of beginning.

Being and hereby intending to describe a parcel of land containing 34.548 acres of land more or less.

Schedule “B”

All that tract or parcel of land situated in Town Lot's 2. & 3, Township 3, Section 12 of the Triangular Tract in the Town of Sweden, County of Monroe, State of New York and being more particularly described as follows:

Beginning at a point in the centerline of Sweden Walker road a distance of 2,060.05 feet north of the intersection of Sweden Walker Road and Brockport Spencerport Road;

Thence westerly on a bearing of N 75° 50' 35" W a distance of 355.86 feet to a point;

Thence southerly on a bearing of S 13° 27' 15" W a distance of 97.77 feet to a point, said point being in the north line of lands now or formerly Consolidated Rail Corporation;

Thence westerly along the north line of lands now or formerly Consolidated Rail Corporation on a bearing of N 75° 58' 56" W a distance of 2,866.76 feet to a point;

Thence northerly on a bearing of N 01° 38' 00" W a distance of 1,032.38 feet to a point, said point being in the south line of lands now or formerly County of Monroe;

Thence easterly along the south line of lands now or formerly County of Monroe on a bearing of S 65° 43' 00" E a distance of 1,368.64 feet to a point;

Thence southerly on a bearing of S 01° 31' 28" E a distance of 66.11 feet to a point;

Thence easterly on a bearing of S 89° 52' 15" E a distance of 145.44 feet to a point, said point being in the south line of lands now or formerly County of Monroe;

Thence easterly along the south line of lands now or formerly County of Monroe on a bearing of S 65° 43' 00" E a distance of 1,990.75 feet to a point, said point being in the west right of way of Sweden Walker Road;

Thence southerly along the west right of way of Sweden Walker Road on a bearing of S 13° 27' 15" W a distance of 269.67 feet to a point, said point being the true point and place of beginning.

Being and hereby intending to describe a parcel of land containing 50.118 acres of land more or less.

Schedule "C"

All that tract or parcel of land situated in Town Lot's 3 & 4, Township 3, Section 12 of the Triangular Tract in the Town of Sweden, County of Monroe, State of New York and being more particularly described as follows:

Beginning at a point in the centerline of Sweden Walker Road a distance of 2,060.05 feet north of the intersection of Sweden Walker Road and Brockport Spencerport Road;

Thence westerly on a bearing of N 75° 50' 35" W a distance of 355.86 feet to a point;

Thence southerly on a bearing of S 13° 27' 15" W a distance of 97.77 feet to a point, said point being in the north line of lands now or formerly Consolidated Rail Corporation;

Thence westerly along the north line of lands now or formerly Consolidated Rail Corporation on a bearing of N 75° 58' 56" W a distance of 2,866.76 feet to a point;

Thence northerly on a bearing of N 01° 38' 00" W a distance of 1,032.38 feet to a point, said point being in the south line of lands now or formerly County of Monroe;

Thence northerly across the lands of now or formerly County of Monroe on a bearing of N 01° 38' 00" W a distance of 73.38 feet to a point, said point being in the north line of lands now or formerly County of Monroe and the point of commencement;

Thence northerly on a bearing of N 01° 38' 00" W a distance of 190.54 feet to a point;

Thence northerly on a bearing of N 02° 39' 44" W a distance of 1,434.54 feet to a point, said point being in the south line of the blue line for the Barge Canal;

Thence easterly along the south line of the blue line for the Barge Canal on a bearing of S 79° 27' 06" E a distance of 107.75 feet to a point;

Thence easterly along the south line of the blue line for the Barge Canal on a bearing of S 73° 02' 16" E a distance of 552.17 feet to a point;

Thence southerly on a bearing of S 00° 11' 06" E a distance of 1,253.03 feet to a point;

Thence easterly on a bearing of S 89° 55' 47" E a distance of 629.67 feet to a point;

Thence southerly on a bearing of S 01° 42' 44" E a distance of 738.61 feet to a point, said point being in the north line of lands now or formerly County of Monroe;

Thence westerly along the north line of lands now or formerly County of Monroe on a bearing of N 65° 43' 00" W a distance of 1,336.01 feet to a point, said point being the true point and place of beginning.

Being and hereby intending to describe a parcel of land containing 31.393 acres of land more or less.

Subject to all covenants, easements and restrictions of record if any affecting said premises as recorded in the Monroe County Clerk's Office.

Being and hereby intending to describe a parcel of land as shown on a map titled "Map of Survey Showing Waller Subdivision", as prepared by Maier Land Surveying, containing 116.059 acres of land more or less to the right of way of Sweden Walker Road.

Sec. 4. That the Town Clerk is directed to cause a notice of this hearing to be posted and published as required by law.

Sec. 5. That this resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Johnson
Seconded by Councilperson Carges

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Donohue	<u>Aye</u>
Councilperson Johnson	<u>Aye</u>
Councilperson Roberts	<u>Aye</u>
Supervisor Connors	<u>Aye</u>

Submitted – January 22, 2013

Adopted



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

MICHAEL P. KEARNS
Assemblyman 145th District

January 2, 2013

M. Connie Casteñeda
Village of Brockport Mayor
49 State St.
Brockport, NY 14420

Dear Representative Casteñeda:

I am writing to you regarding two foreclosure bills (A.88 and A.824) currently referred to the Judiciary Committee in the New York State Assembly. Last session the New York Assembly joined the list of states that have passed foreclosure bills making it mandatory for banks to provide municipalities with contact information of property managers or other parties responsible for upkeep and maintenance of foreclosed or abandoned properties. Unfortunately, the companion bill in the New York State Senate was referred to the Senate Committee on Housing and received no further action including no vote on the floor of the Senate.

I am concerned that the notice of contact information bill (A.88) and bill (A. 824) requiring 'good faith' in obtaining a foreclosure will encounter considerable special interest headwinds this year. In anticipation of significant opposition to these bills, I am hoping that your governing body could provide a resolution, in support of these bills. They can be viewed at my webpage: www.assembly.state.ny.us/mem/Michael-P-Kearns or I can be reached at the email below. Included are two editorials directly dealing with these foreclosure issues and a sample resolution. My intention is to make financial institutions and lenders more accountable to the surrounding community when homes and buildings are abandoned or foreclosure proceedings have started. A resolution from your governing body will add depth and resonance to committee deliberations, as well as establish a robust and persuasive record based on the facts and the needs of the people.

I would be grateful for your participation. Please send your resolution to my District Office in Buffalo, New York. Thank you for your time and help.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Kearns". The signature is written in a cursive style with a long horizontal flourish at the end.

Michael P. Kearns - Assemblyman 142nd District

The following RESOLUTION was adopted by the Town Board of the Town of _____
At a regular meeting held on _____:

Resolution XXX-XX

SUPPORT FOR NYS-CONTACT INFORMATION FOR VACANT STRUCTURES

On a motion made by Councilman _____, seconded by Councilman _____,
the following was

ADOPTED AYES # Councilman _____, Councilman _____
 NAYES # Councilman _____, Councilman _____

Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of _____ Town Board supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the town of _____ hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Town of _____ support the passage of said Bills.

Copies of this resolution to be forwarded to Senator _____, Assemblyman _____, Co-Sponsors of this bill: Senator _____, Assemblyman _____.

I, _____ DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of _____ at its regular meeting held on _____, and members of the Town Board had due notice of said meeting, and further that such resolution has been fully recorded in the Town Clerks books.

In Witness thereof, I have hereunto set my hand the XX day of XXXX, 2012

XXXXX XXXXXXXXXXX

Town Clerk

Town of XXXXXXXX

Another Voice / Vacant properties

Banks, property managers must be held accountable

BY MICHAEL P. KEARNS

Acting responsibly as a neighbor and citizen is essential to the operation of a free society. When homes, residences, stores and other buildings become vacant, their maintenance and upkeep is vital to sustaining the property values of entire communities.

So it is surprising that in this economic downturn, despite large profits for the financial sector, banks, mortgageors and lenders are not meeting this fundamental responsibility. Several of these institutions are presiding over the degradation and depreciation of vacant structures throughout the United States. The property portfolios of vacant structures for many of these institutions, at least in part, are becoming

run down with the effects spilling over to the hardworking neighbors in many hometowns and districts.

The 145th Assembly District is confronted with this problem daily. Constituents who are alarmed repeatedly call about vacant buildings and homes that are not maintained for months at a time, if at all. The main complaint is that there is no one to call, contact or hold responsible. Attempts to contact banks holding the mortgage, after a foreclosure proceeding is commenced, are met with recordings and in the rare instance when a person is reached, no contact information of a responsible party is divulged.

I have been told on several occasions that giving out this information would create privacy breaches. My staff

has also been told that the information could not be divulged for fear of harassing phone calls made to individuals. These reasons seem specious because a neighbor living in a structure whose acts or omissions violate local building codes would not enjoy privacy protection or avoid responsibility for requests made by neighbors to do basic upkeep on the premises. The runaround is disconcerting and frustrating for many.

In an economic environment of dwindling net worth, degradation of our neighborhoods is an issue of national economic importance. In 2011, the states or policy laboratories of this country had no shortage of proposed legislative experiments to combat this issue. Arizona, Connecticut, Georgia, Hawaii, Illinois, Indiana, Kentucky,

Maryland, Minnesota, Nevada, New Jersey, Oregon and Rhode Island have passed bills in one or both houses to address this lack of vacant property maintenance, accountability and responsibility. A federal response is hoped for.

For the protection of our neighborhoods and communities, I have asked that Assembly Bill 10524 and Senate Bill 7620, which would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures, be speedily made law in New York. It is my fervent hope that the people of New York contact their local representatives and join in this endeavor, which concerns us all.

Michael P. Kearns represents the 145th State Assembly District.

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ing the operations of the church's important but secular side businesses, the church is entering a realm to which it is not well-suited. Its own members are saying so.

States. The reason for that is simple: Religious liberty is not being threatened in the United States. Americans remain free to pray and attend church as they wish.

Because, by and large, they vote for Democrats and can make the difference in a close national election.

to fight and even die?
Holder needs to fight this with everything he's got.

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Another Voice / Property maintenance

'Good faith' clause could ensure banks' responsibility

By MICHAEL P. KEARNS

In today's Great Recession, a concern keeps coming to the forefront in my Assembly district and in many other areas of the country: "Who is responsible for upkeep and maintenance of properties that families have vacated and banks hold a lien on?"

Analysis starts with the relationship between lender and customer; both enter into a mortgage contract regarding the sale and purchase of a home or business. When the customer defaults on a home mortgage, both parties turn to the contract in search of rights, remedies, obligations and responsibilities. The mortgage contract often contains abandonment and waste clauses that grants the lender authority to enter the

property prior to foreclosure in order to secure and maintain the collateral, the home. When the market is good and the property has significant value, these clauses are routinely enforced. However, when the market hits a downturn or the property is run-down, some lenders argue that they are not responsible and these provisions go unenforced. Perhaps a mandatory ownership designation clause in the event of default for all mortgage contracts would help clear up the banks' stains.

In New York, when the property requires repairs under local housing and building code ordinances, it is in the bank's best economic interests if "ownership" of the property remains ambiguous.

Banks achieve this by relying on re-

quirements of Real Property Actions and Proceedings Law. The banks can assert that statutorily they aren't responsible because they haven't met the requirements of a "judgment of foreclosure and sale" and thus ownership. This effectively allows banks to shift responsibility for vacant properties onto a concerned municipality, neighborhood or homeowners association. The statute allows banks to delay obtaining "ownership," if they obtain it at all. In short, the banks have the best of both the contractual and statutory worlds and may rely on either contract or statute to suit their economic interests.

How can this dilemma be solved? In *Town of Huntington v. Lagone*, the court hints it may be remedied by changing the statute. A solution may be as simple

as including the words "in good faith" in the duty to maintain foreclosed property. In other words, the banks would be required to exercise good faith and not be allowed to delay obtaining a judgment of foreclosure and sale.

In an ideal world, banks and lenders would exercise ethical business practices and conduct themselves responsibly in the communities in which they make their fortunes. Unfortunately, this is a pragmatic world and refining behavior requires statutory amendment.

I will be sponsoring a bill to add "good faith" language to the law. I hope New Yorkers agree and lend their voices to this issue.

Michael P. Kearns represents the 145th Assembly District.

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Vice President
Chief Financial Officer



VILLAGE OF BROCKPORT

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Website: www.brockportny.org

*The Victorian Village on the Erie Canal
Preserve America Community
Listed on the State and National Registers of Historic Places
Certified Local Government
Tree City USA Community
Erie Canalway Heritage Award of Excellence*

February 6, 2013

Michael P. Kearns, Assemblyman
142nd District
2189 Seneca Street
Buffalo, NY 14210

Re: Foreclosure Bills A.88 and A.824

Dear Assemblyman Kearns:

I am in receipt of your correspondence dated January 2, 2013 regarding two foreclosure bills (A.88 and A.824). I mentioned it at the January 22nd Village Board meeting and have it on the February 12th Village Board agenda for consideration of adopting the proposed resolution.

I will advise as to the outcome. Thank you.

Sincerely,

Maria Connie Castañeda
Mayor
Village of Brockport

Xc: Village Board

RESOLUTION - VILLAGE OF BROCKPORT

At a meeting of the Board of Trustees of the Village of Brockport, Monroe County, New York state held at Village Hall at 49 State Street Brockport, NY 14420 on February 12, 2013 the following resolution was regularly made, seconded and carried:

PRESENT: Mayor Maria C. Castañeda, Trustee William G. Andrews, Trustee Margaret B. Blackman, Trustee Kent R. Blair, Trustee Carol L. Hannan

MOVED BY: Trustee _____
SECONDED BY: Trustee _____

CARRIED / /

SUPPORT FOR NYS-CONTACT INFORMATION FOR VACANT STRUCTURES

Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Village of Brockport Village Board supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the Village of Brockport hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Village of Brockport support the passage of said Bills.

BY ORDER OF THE Village Board of the Village of Brockport

Leslie Ann Morelli

From: Maria "Connie" Castañeda [mccastaneda@brockportny.org]
Sent: Monday, January 28, 2013 4:30 PM
To: 'Leslie Ann Morelli'
Subject: FW: Freshwater Future Asian Carp Campaign

For our next board meeting. Get the resolution from website.
Thanks,
Connie

-----Original Message-----

From: Katie Lewis [mailto:lewisk12itp@gmail.com]
Sent: Wednesday, January 23, 2013 2:15 PM
To: mccastaneda@brockportny.org
Subject: Freshwater Future Asian Carp Campaign

Dear Mayor Castaneda,

As you have no doubt heard, Asian carp, an invasive species, are swimming toward our Great Lakes.

We ask for your support to help stop them. Asian carp, including bighead and silver carp, are well suited for our climate. They consume vast amounts of food, reproduce quickly and are wiping out native fish where they thrive. In Illinois, the Asian carp population has doubled every year since they swam into the Illinois River. Silver carp can jump 10 feet high, resulting in numerous injuries to boaters and other recreational users. If these invasive fish become established, our \$7 billion regional fishing industry would be at risk along with our family past times and recreational enjoyment of our favorite lakes and rivers.

Local units of government can play an important role in stopping Asian carp from harming their community, their inland rivers, lakes and streams and the Great Lakes.

Will you consider presenting

a resolution for passage by your community's unit of government in support of permanently stopping Asian carp? This simple act will add to the growing chorus of support in the region and federal decision makers are listening!

All the information you need, including the resolution, can be found here: <http://freshwaterfuture.org/resources/asian-carp/get-your-local-governments-involved.html>

For even more information, I am happy to set up a call with our lead policy staffer working on the Asian carp issue, Associate Director Cheryl Kallio.

Thank you in advance for your consideration,

--

Katie Jo Lewis
Freshwater Future Volunteer
lewisk12itp@gmail.com
(989)255-4135 (voice/text)

Keeping Asian Carp Out of the Great Lakes

WHEREAS, the Great Lakes and St. Lawrence represent the largest body of surface fresh water in the world and are a vibrant, diverse ecosystem that is critically important to the economic well-being and quality of life of the Canadian and U.S. populations in the region;

WHEREAS, over 180 invasive species have entered the Great Lakes and its connecting water ways over the years and caused widespread damage and disruption to the natural balance of the system, as well as significant economic damage;

WHEREAS, one of the most serious threats ever presented by invasive species currently comes from Asian carp, including silver, bighead, and black varieties;

WHEREAS, these varieties of carp were introduced to the southern United States for use in fish farms for algae control in the 1970's and escaped into the Mississippi River system.

WHEREAS, invasive species have already inflicted hundreds of millions in damage across the Great Lakes and St. Lawrence, and invasive carp pose a serious threat to the \$7 billion sport and commercial fishery that support the economy and help define the culture of the entire region;

WHEREAS, the invasive carp have migrated northward through the Mississippi River system as far north as Wisconsin, Minnesota, Illinois, Indiana, and Ohio, reducing significantly or eliminating populations of the more desirable species of fish because of their voracious food consumption and prolific reproduction;

WHEREAS, the invasive carp are threatening to enter the Great Lakes at a number of points across the region;

WHEREAS, many federal, state, provincial, and local government agencies in the United States and Canada have worked diligently and expended tens of millions of dollars over the past 10 years on a variety of projects to keep invasive carp out of the Great Lakes;

WHEREAS, including the invasive carp, there are 39 invasive species in the two basins that present a threat to cross over into the other basin in the near future;

WHEREAS, once an invasive species establishes itself in an ecosystem, it is exceedingly difficult, if not impossible, to eradicate it, and it often inflicts serious damage on the ecosystem and imposes major costs in efforts to control it;

WHEREAS, Asian carp pose a dangerous risk of injury to recreational users on waters infested with Asian carp;

WHEREAS, Canadian and U.S. citizens across the basin have expressed serious concern about the invasive carp and other invasive species, and are demanding prompt action;

WHEREAS, the U.S. Army Corps of Engineers is conducting a multiyear, comprehensive study across the U.S. side of the Great Lakes basin called the "Great Lakes and Mississippi River Interbasin Study" (GLMRIS) that examines 19 separate locations where invasive carp could cross from the Mississippi River Basin to the Great Lakes Basin, and considers a large number of potential ways to stop the further migration;

NOW, THEREFORE, BE IT RESOLVED, that the invasive carp in the Mississippi River system pose one of the greatest threats to the integrity and well-being of the Great Lakes and St. Lawrence ecosystem, including the 40 million Canadians and Americans who live there;

BE IT FURTHER RESOLVED, that preventing the invasive carp from entering the Great Lakes and St. Lawrence ecosystem needs to be approached with the greatest sense of urgency by all those responsible for dealing with this matter;

BE IT FURTHER RESOLVED, that physical separation is the most effective way to keep invasive carp from entering Lake Michigan through the Chicago Area Waterway System, and such barriers would also prevent the movement of many other invasive species from one basin to the other;

BE IT FURTHER RESOLVED, that physical separation is feasible and can be done in a way that maintains or enhances water quality, flood control, and transportation in the system;

BE IT FURTHER RESOLVED, that additional steps must be taken in the interim to keep invasive carp out while the long term solution is put in place;

NOW THEREFORE BE IT RESOLVED that the (municipality name here) strongly urges all parties involved to identify a preferred solution to the invasive carp issue and move forward to implement that solution with the greatest sense of urgency.

Adopted on _____ by the (municipality and/or committee name here).

Vote: _____ Yeas _____ Nays _____ Absent

Signed _____

Dated



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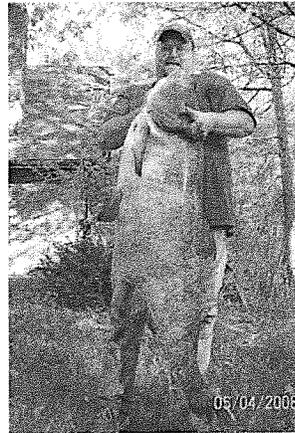
Asian Carp

Thank YOU for taking time to be part of the solution!

Donate Now

- Take part in our social media campaign to stop the carp
- Get your community involved in stopping the carp
- Read how your involvement is making a difference
- News and Headlines

Asian carp, an invasive species, are swimming toward our Great Lakes. Asian carp, including bighead and silver carp, were imported by catfish farmers in the 1970s to remove algae and other nutrients out of their ponds. During large floods in the early 1990s, many of the catfish farm ponds overflowed their banks, and Asian carp were released into local waterways connected to the Mississippi River.



What's the big deal?

Bighead and silver carp are well suited for our climate. They consume vast amounts of food, reproduce quickly and are wiping out native fish where they thrive. In Illinois, the Asian carp population has doubled every year since they swam into the Illinois River. Silver carp can jump 10 feet high, resulting in numerous injuries to boaters and other recreational users. If these invasive fish become established, our \$7 billion regional fishing industry would be at risk along with our family past times and recreational enjoyment of our favorite lakes and rivers because:

- Invasive species are one of the greatest sources of ecological and economic damage to the Great Lakes;

- Three varieties of Asian carp, including silver, black, and bighead carp, have moved up the Mississippi and Illinois Rivers to a point 40 miles from Lake Michigan; and

- Asian carp are voracious eaters and reproduce so rapidly they take over many waterways, driving out other kinds of fish, including prized sport fish.

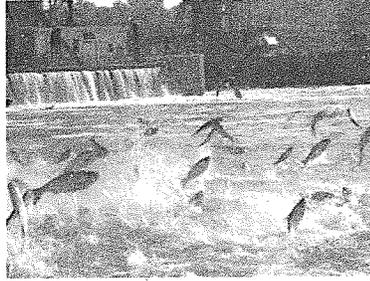
What needs to be done?

Over 100 years ago, the Mississippi River and Great Lakes ecosystems were connected by a man-made canal. Now, many scientists and experts believe that the only way to keep Asian carp and other invasive species from traveling between these two waterways is to construct physical barriers and restore the naturally occurring divide that once kept their waters apart.



Right now a number of actions are underway in the short term to keep invasive carp out of the Great Lakes, the most important of which is the operation of an electric barrier outside Chicago in the canal, now known as the Chicago Area Waterway System. Although this electric barrier appears to be effective for now, it failed for 15 minutes during May 2012 and needs to be shut down periodically for maintenance. It does not keep out small fish, including baby Asian carp, or fry, that are under 4-inches.

Creating physical barriers and restoring the natural divide is the most effective way to keep the invasive carp out of the Great Lakes and their connected waters. Additionally, these barriers would prevent the movement of many other invasive species. To accomplish this, Congress must authorize the work and funding, which would be conducted by the Army Corps of Engineers.



The Great Lakes and St. Lawrence Cities Initiative and the Great Lakes Commission completed a report entitled "Restoring the Natural Divide" on January 31, 2012 that establishes the feasibility of physical separation of the two waterways in the Chicago area that would also maintain or enhance water quality, flood control, and transportation in the system. This report highlights that creating physical barriers and restoring the natural divide is possible and outlines feasible options to do so.

Right now, the U.S. Army Corps of Engineers is conducting a multiyear, comprehensive study authorized by Congress called "Great Lakes and Mississippi River Interbasin Study" (GLMRIS) that examines locations where invasive carp could cross from the Mississippi River waterway into the Great Lakes waterway. Though many options are being considered, there is only one solution, physical barriers, which would most effectively stop the Asian carp.

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Your Community can be Part of the Solution to Stop the Asian Carp!

Like the tens of thousands of people who have contacted their Members of Congress, letting them know they want the strongest actions possible to stop Asian carp, local units of government can also play an important role. Thus far pressure from the Great Lakes region has had a meaningful impact that resulted in a policy moving us in the right direction, but the job itself is far from done. We need to keep this momentum going and demonstrate to Congress growing support for stopping the Asian carp.

You can help by asking your local unit of government to pass this resolution in support of stopping Asian carp and protecting your community, its inland rivers, lakes and streams and the Great Lakes from this invasive species. Your community can be part of the growing chorus of support around the region letting decision makers know we want the Asian carp stopped and we want fast action. We are working to inspire local media coverage of this effort too! If you are planning to propose this resolution to your local unit of government or already have, let us know by emailing cheryl@freshwaterfuture.org!

Check out this background piece you can use with people in your community and your local unit of government to explain how their support is part of a larger effort to stop the Asian carp.

Please be sure to update David Ullrich with Great Lakes and St. Lawrence Cities Initiative or Cheryl Kallio with Freshwater Future if a community passes this resolution to be part of the growing chorus of communities around the Great Lakes region.

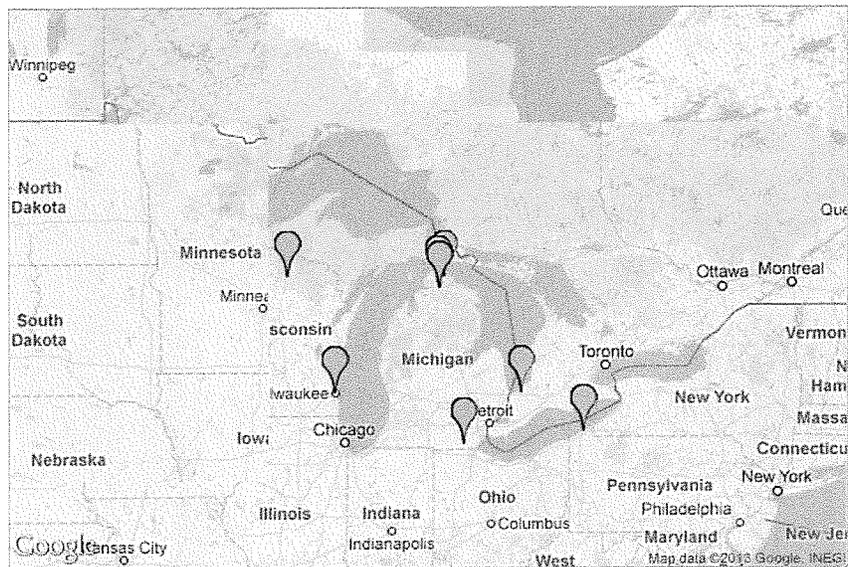
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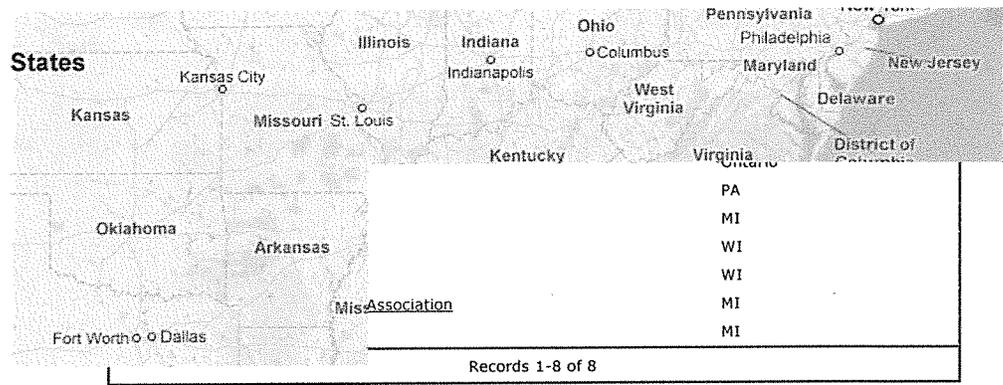


Dave Ullrich, Executive Director
Great Lakes and St. Lawrence Cities Initiative
P: 312.201.4516
E: david.ullrich@glslcities.org



Cheryl Kallio, Associate Director
Freshwater Future
P: 231.571.5001
E: Cheryl@freshwaterfuture.org





The image shows a map of the United States with a search filter overlay. The filter is a white box with a black border containing a list of state abbreviations: PA, MI, WI, WI, MI, MI. Below the list, it says "Records 1-8 of 8". The map shows various states and cities, including Kansas City, St. Louis, Indianapolis, Columbus, Philadelphia, New Jersey, Delaware, and the District of Columbia. The word "States" is written in the top left corner of the map area.

PA
MI
WI
WI
MI
MI

Records 1-8 of 8

RESOLUTION - VILLAGE OF BROCKPORT

At a meeting of the Board of Trustees of the Village of Brockport, Monroe County, New York state held at Village Hall at 49 State Street Brockport, NY 14420 on February 12, 2013 the following resolution was regularly made, seconded and carried:

PRESENT: Mayor Maria C. Castañeda, Trustee William G. Andrews, Trustee Margaret B. Blackman, Trustee Kent R. Blair, Trustee Carol L. Hannan

MOVED BY: Trustee _____
SECONDED BY: Trustee _____

CARRIED _/ _

Keeping Asian Carp Out of the Great Lakes

WHEREAS, the Great Lakes and St. Lawrence represent the largest body of surface fresh water in the world and are a vibrant, diverse ecosystem that is critically important to the economic well-being and quality of life of the Canadian and U.S. populations in the region;

WHEREAS, over 180 invasive species have entered the Great Lakes and its connecting water ways over the years and caused widespread damage and disruption to the natural balance of the system, as well as significant economic damage;

WHEREAS, one of the most serious threats ever presented by invasive species currently comes from Asian carp, including silver, bighead, and black varieties;

WHEREAS, these varieties of carp were introduced to the southern United States for use in fish farms for algae control in the 1970's and escaped into the Mississippi River system.

WHEREAS, invasive species have already inflicted hundreds of millions in damage across the Great Lakes and St. Lawrence, and invasive carp pose a serious threat to the \$7 billion sport and commercial fishery that support the economy and help define the culture of the entire region;

WHEREAS, the invasive carp have migrated northward through the Mississippi River system as far north as Wisconsin, Minnesota, Illinois, Indiana, and Ohio, reducing significantly or eliminating populations of the more desirable species of fish because of their voracious food consumption and prolific reproduction;

WHEREAS, the invasive carp are threatening to enter the Great Lakes at a number of points across the region;

WHEREAS, many federal, state, provincial, and local government agencies in the United States and Canada have worked diligently and expended tens of millions of dollars over the past 10 years on a variety of projects to keep invasive carp out of the Great Lakes;

WHEREAS, including the invasive carp, there are 39 invasive species in the two basins that present a threat to cross over into the other basin in the near future;

WHEREAS, once an invasive species establishes itself in an ecosystem, it is exceedingly difficult, if not impossible, to eradicate it, and it often inflicts serious damage on the ecosystem and imposes major costs in efforts to control it;

WHEREAS, Asian carp pose a dangerous risk of injury to recreational users on waters infested with Asian carp;

WHEREAS, Canadian and U.S. citizens across the basin have expressed serious concern about the invasive carp and other invasive species, and are demanding prompt action;

WHEREAS, the U.S. Army Corps of Engineers is conducting a multiyear, comprehensive study across the U.S. side of the Great Lakes basin called the "Great Lakes and Mississippi River Interbasin Study" (GLMRIS) that examines 19 separate locations where invasive carp could cross from the Mississippi River Basin to the Great Lakes Basin, and considers a large number of potential ways to stop the further migration;

NOW, THEREFORE, BE IT RESOLVED, that the invasive carp in the Mississippi River system pose one of the greatest threats to the integrity and well-being of the Great Lakes and St. Lawrence ecosystem, including the 40 million Canadians and Americans who live there;

BE IT FURTHER RESOLVED, that preventing the invasive carp from entering the Great Lakes and St. Lawrence ecosystem needs to be approached with the greatest sense of urgency by all those responsible for dealing with this matter;

BE IT FURTHER RESOLVED, that physical separation is the most effective way to keep invasive carp from entering Lake Michigan through the Chicago Area Waterway System, and such barriers would also prevent the movement of many other invasive species from one basin to the other;

BE IT FURTHER RESOLVED, that physical separation is feasible and can be done in a way that maintains or enhances water quality, flood control, and transportation in the system;

BE IT FURTHER RESOLVED, that additional steps must be taken in the interim to keep invasive carp out while the long term solution is put in place;

NOW THEREFORE BE IT RESOLVED that the (municipality name here) strongly urges all parties involved to identify a preferred solution to the invasive carp issue and move forward to implement that solution with the greatest sense of urgency.

BY ORDER OF THE Village Board of the Village of Brockport

STATE OF NEW YORK)
County of Monroe) SS:

I Leslie Ann Morelli, Village Clerk of the Village of Brockport, do hereby certify that the foregoing is a full and true transcript of a resolution duly adopted at a meeting of the Board of Trustees of the Village of Brockport, Monroe County, New York on February 12, 2013 as it appears in the minutes of said meeting was regularly called and duly constituted, and that a quorum was present.

Witness my hand and the seal of the Village of Brockport this 13th day of February 2013.

Leslie Ann Morelli, Village Clerk

Seal