

RESOLUTION No. _____ of 2013

Introducing Proposed Local Law No. 5 of 2013 Amending Chapter 84 to the Town Code Entitled
“Outdoor Wood Boilers”

At a regular meeting of the Town Board of the Town of Amenia, held at the Amenia Town Hall on the 14th day of November, 2013, at 7:00 p.m., Town Supervisor, William Flood called the meeting to order, and _____, seconded by Councilwoman/Councilman _____, introduced the following Local Law to be known as Proposed Local Law No. 5 of 2013, entitled “A Local Law Amending Chapter 84 of the Code of the Town of Amenia ‘Outdoor Wood Boilers.’”

NOW THEREFORE BE IT ENACTED by the Town Board of the Town of Amenia as follows:

Section 1. STATEMENT OF PURPOSE AND INTENT

The Town Board recognizes the impact that outdoor wood boilers have on the health, safety, and welfare of the citizens of the Town of Amenia. The New York State Department of Environmental Conservation (“DEC”) recently enacted regulations regarding outdoor wood boilers. The DEC regulations can be found at 6 N.Y.C.R.R. Part III, §§ 247.1 et seq. (“DEC Regulations”). The Town Board acknowledges that any local regulations for the Town of Amenia should meet or exceed the minimum standards established in the DEC Regulations. The Town Board further has determined that the current version of Chapter 84 of the Amenia Town Code entitled “Outdoor Wood Boilers”, which was enacted prior to the adoption of the DEC Regulations, is no longer consistent with the standards set forth in the DEC Regulations and, therefore, should be amended. Accordingly, the Town Board has determined that in order to protect the health, safety and welfare of the residents of the Town of Amenia, the current version

of Chapter 84 of the Town Code should be repealed in its entirety and an amended version of Chapter 84 enacted which incorporates all the standards of the DEC Regulations.

Section 2. Chapter 84 of the Code of the Town of Amenia, entitled “Outdoor Wood Boilers” is hereby amended by repealing Chapter 84 in its entirety and enacting a new Chapter 84 annexed hereto as Attachment A.

Section 3. The local law shall take effect immediately upon filing with this state’s Secretary of State.

Pursuant to the Municipal Home Rule Law of the State of New York, it is necessary to hold a public hearing upon this local law.

WHEREAS, on November 14, 2013, the Town Board introduced this proposed local law for the Town of Amenia, to be known as Town of Amenia Proposed Local Law No. 5 of 2013, entitled “A Local Law Amending Chapter 84 of the Code of the Town of Amenia ‘Outdoor Wood Boilers.’”

NOW THEREFORE BE IT RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall on December 12, 2013, at 7 o’clock p.m., and that notice of said hearing shall be published in the official newspaper of general circulation in the Town of Amenia by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Amenia will hold a public hearing at the Town Hall, 4988 Route 22, Amenia, New York on December 12, 2013 at 7 o'clock p.m., on Proposed Local Law No. 5 of 2013, entitled "A Local Law Amending Chapter 84 of the Code of the Town of Amenia 'Outdoor Wood Boilers.'"

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Town of Amenia Town Hall, 4988 Route 22, Amenia, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Amenia, New York
November 14, 2013

DAWN MARIE KLINGNER, TOWN CLERK

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Flood	Yes No	_____
Councilwoman Hitselberger	Yes No	_____
Councilwoman Doyle	Yes No	_____
Councilwoman Perotti	Yes No	_____
Councilwoman Riemer	Yes No	_____

DATED: Amenia, New York
November 14, 2013

DAWN MARIE KLINGNER, TOWN CLERK