

DONNA AKERLEY

*Town Clerk, Registrar
and Tax Collector*

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TOWN CLERK'S OFFICE
TOWN OF FALLSBURG

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Tuesday, February 9, 2010
The Town of Fallsburg Town Board
Conducted a Public Hearing at the Town Hall Court Room
19 Railroad Plaza, South Fallsburg, New York
Relative to Local Law #1 of 2010 "Outdoor Wood Boilers"
7:00 PM

Present:

Supervisor Steven Vegliante
Councilman Arnold Seletsky
Councilman Mike Weiner
Councilman Nathan Steingart
Councilman Joe Levner

Town Clerk Donna Akerley
Attorney for the Town, Jacob Billig
CEO Tod Burns

7:00 p.m. Public Hearing Regarding Local Law #1 "Outdoor Wood Boilers"

On Motion by Councilman Seletsky, seconded by Councilman Levner to open Public Hearing

Vote 5 Ayes.

Supervisor Vegliante asked for questions or comments from the public.

Citizen Victor McCarthy: "I had a discussion with Tod and he told me that this is to install a wood boiler and would not apply to existing boilers. There is a \$125 fee to install and have the Town inspect the installation of the wood boiler.

CEO Tod Burns: "Correct."

Citizen Victor McCarthy: "He was also telling me that you have to install a gas tank and run the lines underground and they are not responsible for that. The company that installs it inspects it, so what you are doing now is taking on the liability for that. If you inspect that wood boiler and something goes wrong then the Town is responsible.

Supervisor Vegliante: "We look at it as being the same situation as someone puts a new boiler in their house we have a similar fee and a similar inspection process."

Citizen Victor McCarthy: "You have a similar fee for installing a new oiler burner in

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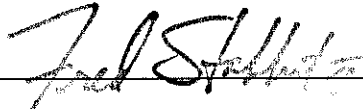
Affidavit of Publication

To: TOWN OF FALLSBURG
PO BOX 2019
SOUTH FALLSBURG, NY 12779-2019


Re: Legal notice #118691

State of New York }
County of Sullivan } SS:

I, Fred W. Stabbert, III, being duly sworn, depose and say: that I am the Publisher of Sullivan County Democrat, a twice-weekly newspaper of general circulation published in Callicoon, County of Sullivan, State of New York; and that a notice, of which the annexed is a printed copy, was duly published in Sullivan County Democrat once on 01/29/10.



Sworn to before me this 29th day of January, 2010



Susan M. Owens
Notary Public, State of New York
No. 010W8025547
Qualified in Sullivan County
My commission expires on June 1, 2011

NOTICE OF PUBLIC HEARING
TOWN OF FALLSBURG
NOTICE OF PUBLIC HEARING IS HEREBY GIVEN that the Town Board of the Town of Fallsburg will hold a public hearing relative to: "Proposed Local Law #1 of 2010 relative to Fees for Outdoor Wood Boilers." Said public hearing will be conducted on Tuesday, February 9, 2010 @ 7:00 p.m. at the Town of Fallsburg Town Hall Court Room, 19 Railroad Plaza, South Fallsburg, New York. All persons interested in the subject matter may appear in person or by agent.
Should you have any questions to this regard, please feel free to contact Fallsburg Town Clerk Donna Akerley @ (845) 434-8810. Thank you.
BY ORDER OF THE TOWN OF FALLSBURG TOWN BOARD
Dated: Friday, January 29, 2010
Town of Fallsburg Town Clerk
Donna Akerley
#118691

someone's house?"

CEO Tod Burns: "Yes the fee is \$50 for a new system. The law requires you to call us and let us know when you install a new system. A few of the plumbers are calling us now, normally it is done within one day we do not know about it."

Citizen Victor McCarthy: "I do not understand why that is \$50 and the wood boilers is \$125."

Supervisor Vegliante: "It is a one time fee; the Board discussed it with the Code Enforcement office."

Citizen Victor McCarthy: "I just think that if they are responsible for inspection, they know that every year round house up here is going to be heated. It seems to me if you are going to do this; you need to do it for any energy source. You should inspect whether it is oil, gas or whether it is wood."

Councilman Steingart: "For an indoor wood stove, it is supposed to be inspected as well."

Citizen Victor McCarthy: "How many people know that and how many people know that there is a charge?"

CEO Tod Burns: "I have done more applications in the last few years for pellet stoves and wood stoves, more than even liability permits this winter, probably 50 or 60."

Citizen Victor McCarthy: "Do you inform a homeowner when he builds a house that he is required to do this."

Supervisor Vegliante: "If it is new construction then it would be on the plans and be part of the whole reviews process."

Citizen Victor McCarthy: "I have a problem with what you are charging. If you are charging \$50 for a oil or gas furnace, why are you charging \$125 for a wood furnace?"

Supervisor Vegliante: "We have found that there is more follow-up involved with the outdoor wood boilers."

CEO Tod Burns: "The placement of the unit is a bill deal to make sure that it is within the bounds of what it is supposed to by the manufactures specifications."

Councilman Levner: "You also have to take into consideration the calls and complaints about the burning."

Supervisor Vegliante: "We will be listening all of our citizen's comments tonight, we will bring up any concerns with Allen who is not here tonight. We will not be voting on this tonight."

Citizen Peter Lawrence: "Michael Pilmenstein told me about 4 years ago that the way your taxes increase on your assessment is by a permit or something to trigger that. When you have to go install a new boiler in your house, that is a reason now, you have to get a building permit. We are trying to keep a green economy, keep the fuel costs down, and everything else to be able to pay the taxes in Fallsburg. I think that this is another way for you people to come around and taxing us for another reason. My taxes have gone up unbelievably in the past four years in this Town. I think that this is another way for you people to tax us. I want to know is everyone else in this Town with a wood stove, will they be taxed the same as we are because we keep ours out in the open?"

Councilman Levner: "I do not think the intent was to be an extra tax."

Citizen Peter Lawrence: "My building permit goes across Michael Pilmenstein's desk right now; my taxes will go up again this year."

Councilman Seletsky: "You get assessed on work that is done not on your whole property. It gives him a reason to come look at a building, like a garage you are putting up, if that that is what you have a building permit for, not to reassess."

CEO Tod Burns: "Michael finds more building without permits than we do because he is out there taking the pictures and looking."

Citizen Mike Ward: "For clarification this proposed law that you are discussing is just for any future installs. Anyone who currently has one existing in the Town of Fallsburg there is no fees that would be assessed to us."

Supervisor Vegliante: "Correct. No fees. I think at some point that if it comes to the attention of the Building Department that they may want you to have the permit but there will not be a fee attached to it. There may be an inspection without cost."

CEO Tod Burns: "The only reason we would know is if there was a complaint about the smoke or the type of smoke or burning something you are not supposed to and people are seeing black smoke billowing out of your stack."

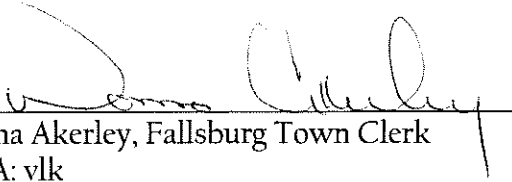
Councilman Steingart: "This is not something that we created out of the blue. Many other communities because of the smoke issue, and I happen to burn wood so I am not against wood burning, but a lot of the communities that have these boilers have these laws in place and we did our research."

Councilman Levner: "The problem now is that there is no regulation. Anyone can put on of these as close to the house as they want and with a smoke stack height of their choice. We need to tighten it up."

Supervisor Vegliante asked for any additional comments from the Board or from the public.

On motion by Councilman Seletsky, seconded by Councilman Weiner to close Public Hearing.

Vote 5 Ayes

A handwritten signature in black ink, appearing to read "Donna Akerley", written over a horizontal line.

Donna Akerley, Fallsburg Town Clerk
DMA: vlk