

A public hearing was held by the Town Board of the Town of Moreau on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York for the purpose of considering the adoption of Local Law No. 4 of 2009, which if adopted would extend the moratorium on the installation, operation or use of outdoor wood burning furnaces contained Chapter 75 of the Moreau Town Code for a period of one hundred twenty (120) days.

Supervisor Jenkins opened the public hearing at 6:55 p.m.

The Town Clerk called the roll, which resulted in the following Town Board Members being present or absent:

Town Board Members Present

Tom Cumm	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Martin D. Auffredou, Attorney for the Town; Peggy Jenkins, Assessor; Town Residents: Adele Kurtz, Reed Antis, Ray Fischer; Salinnah and Zaharah Badruddin and Nick Reisman, Post Star Reporter

The following Notice of Public Hearing was advertised in the legal ad section of the Glens Falls Post Star Newspaper on August 17, 2009:

**TOWN OF MOREAU NOTICE OF PUBLIC HEARING TO
CONSIDER ADOPTION OF A LOCAL LAW EXTENDING
THE MORATORIUM ON THE INSTALLATION, USE OR
OPERATION OF OUTDOOR WOODBURNING FURNACES**

NOTICE IS HEREBY GIVEN pursuant to Section 20 of the Municipal Home Rule Law of the State of New York, that a public hearing will be held by the Town Board of the Town of Moreau on Tuesday, August 25, 2009 at 6:55 p.m. at the Town Hall, located at 61 Hudson Street, South Glens Falls, New York for the purpose of considering the adoption of Local Law No. 4 of 2009. If adopted, Local Law No. 4 of 2009 would extend the moratorium on the installation, operation or use of outdoor wood burning furnaces contained in Chapter 75 of the Moreau Town Code for a period of one hundred twenty (120) days. In addition, under the moratorium, no permits shall be issued by the Town for the installation, use or operation of outdoor wood burning furnaces in the Town of Moreau. The local law includes a mechanism for property owners in the R-5 Zone to request a variance from the moratorium from the Town Board. Written comments on Local Law No. 4 of 2009 may be submitted to the Town Clerk. A copy of proposed Local Law No. 4 of 2009 can be obtained at the Moreau Town Hall.

Jeanne M. Fleury, Town Clerk

Supervisor Jenkins asked if anyone present wished to be heard for or against this proposed local law.

There was no comment from the public.

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Councilman Cumm said the only comment he had was that he hoped this was the last moratorium on this issue.

Councilwoman LeClair concurred.

Councilman Kusnierz asked Attorney Auffredou if a draft law is put to vote and there aren't enough votes to institute it and the moratorium is in place what happens to the moratorium since the Board would have taken action.

Attorney Auffredou replied that the moratorium would remain in place. It would expire one of three ways:

- a) If there is a substantive local law adopted governing OHH within the time frame of the moratorium or;
- b) The Town Board passes a local law terminating the moratorium or;
- c) On its' own terms if the Town Board doesn't extend it.

Councilman Kusnierz thought the Board had to make progress on a local law in order to have a moratorium.

Attorney Auffredou said they couldn't extend a moratorium if they weren't making progress, but it doesn't cease to exist because the Board isn't making progress.

Supervisor Jenkins said if there were no further comments he asked for a motion to close the public hearing.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to close the public hearing at approximately 7:00 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Respectfully submitted,

Jeanne Fleury
Town Clerk

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