



# Town of Tusten Town Board Meeting

Regular Meeting Agenda

Zoom ID: 890 1678 4280

June 8, 2021

6:30 PM

## 1 OPENING ITEMS

### 1.1 Call Meeting to Order

### 1.2 Pledge of allegiance

### 1.3 Announcements

- Sullivan County Room Tax
- Letter from Concerned Citizen, Star Hesse

### 1.4 Payment of Bills

Motion to pay the bills as presented:

<b>Fund Account</b>	<b>Amt.</b>
General Fund	\$ 37,790.71
Highway Fund	\$ 40,863.49
Water Fund	\$ 13,470.38
Sewer Fund	\$ 16,069.25
Lighting Fund	\$ 0.00
<b>TOTAL</b>	<b>\$ 108,193.83</b>

## 2 DIVISION REPORTS-

### 2.1 Highway –submitted by Donald Neiger

- Used 694.4 gal of diesel fuel 515.2 gal was for highway and 179.2 was non highway use.
- Used 141.9 gal of gas 2.7 was highway and 139.2 was non highway use.
- Patched holes on dirt and paved roads.
- Chip sealed Evergreen, Maple, Eagle View and Swamp Pond.
- Cut trees on Swamp Pond, Schalk and Brook.
- Repaired wash outs and graded Hankins Rd
- Swept roads.

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- Prepared roads for paving.

### 2.2 Water & Sewer – submitted by NWS Dept.

- Completed monthly drinking water and waste water sampling and reporting.
- Made adjustments to the chlorinator at the sewer plant, as needed, to maintain Federal and State standards on the effluent wastewater.
- Did water meter readings every Wednesday in the month of May.
- Attended a class provided by NYRWA and several webinars for sewer and water education.
- Koberlein pumped out sludge from dosing tanks.
- Responded to one after hours water leak.
- Responded after hours 5 times for Kirks Rd pump station overheating
- Installed water meters and turned water on to 3 buildings.
- Pumped 3 septic tanks.
- Verified potential water leak on St Rt 97
- Repaired valve for chlorine contact chamber at sewer plant
- Mowed grass at all Water and Sewer properties
- Repaired valve box for sand bed #3

Financial Report for May 2021		
Water Metered Rent	\$ 5,592.22	
Service Charge	\$ 21.00	
Water Penalty	\$66.92	
<b>TOTAL Received Water Department</b>		<b>\$5,680.14</b>
Sewer Rent	\$16,397.26	
Service Charge	\$6.00	
Sewer Penalty	\$203.28	
<b>TOTAL Received Sewer Department</b>		<b>\$ 16,606.54</b>
<b>GRAND TOTAL</b>		<b>\$22,286.68</b>

### 2.3 Building Department/ Code Enforcement – Submitted by Code Dept.

Construction Inspections – 21

Fire & Safety Inspections – 0

Complaint/Violation Inspections - 0

Certificate of Occupancy – 0

Certificate of Compliance – 4

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Building Permits – 10  
New Homes – 1  
Accessory Building/Garage – 0  
Renovation/Alteration/Addition – 1  
Camping - 1  
Chimney/Fuel – 0  
Accessory Building Commercial - 0  
New Commercial Construction – 0  
Renovation/Alteration – Commercial Construction - 0  
Deck – 0  
Commercial Deck - 1  
Demolition Permit - 1  
Driveway Permit – 0  
Electrical – 2  
Logging Permits – 2  
Mechanical - 0  
Permit Renewals – 0  
Plumbing - 0  
Pool – 0  
Roof Replacement – 0  
Roof Structure - 0  
Septic Permits – 1  
Sidewalk - 0  
Sign Permit – 0  
Solar Permit – 0  
Well - 0  
Flood Plain Permit - 0

C/O and violation search – 12

Dangerous and Unsafe Building – 0  
Complaints Received – 0  
Complaints Closed – 0  
Violations Issued – 0  
Violations Corrected – 0  
Previous Violations Closed/Corrected - 0  
Stop Work – 0

Building Inspector and Clerk attended training on 5/4/2021 ECCNYS Residential Enforcement (pt 1) 1.5 hours and (pt 2) 1.5 hrs; Clerk attended training on 5/14/21 NFPA 13R 1 hr and NFPA 13 1hr.

Monies collected by this office from May 1, 2021 to May 31, 2021 are \$2,779.90

Respectfully,  
Jim P Crowley, Building Inspector

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JPC/js

Attached is a copy of the Building Monthly Report

### 2.4 Assessor – Submitted by Sole Assessor

The month of May got off to a slow start with the tax rolls and notices to be mailed not being ready until May 3<sup>rd</sup>. We stuffed the envelopes and got them all into the mail before the post office closed on May 3<sup>rd</sup>.

During May I am required to be present with the tax roll four times for four hours each time. These times were not used by the taxpayers and no calls were received. However, this time was used on paper work and double checking the input into the computer for accuracy. As we have had a lot of deeds in the previous months the input of these was also checked for accuracy. Labels were printed for the Narrowsburg Fire Department. The quarterly sales report was run and forward to Department of Taxation. Sullivan County Assessors' Association did not meet in May as assessors were busy preparing for grievance day and the fact that is fairly early this year on the 25<sup>th</sup> of May. The normal training for grievance day for the Grievance Board of Review was not held in person. There is a new video out that the members can watch if they wish. None of the Tusten Grievance board were newly appointed or re-appointed so none were required to complete the training.

Grievance Day was very quiet with the only complainant being both of the solar array parcels for Homeland Farms, LLC. These values are under NYS solar exemption for a 15-year period, but Delaware River Solar wants the values reduced annually to the NYSERDA valuation. Lowering values now will result in a solar array with little assessment at the end of the 15-year exemption period. Also lowering this value would decrease the fees paid to the Fire District each year.

The total town assessed value increased \$683,228. From 2020. While there were many building permits issued, many were for smaller items and assessment increases therefore were less. Several new house permits were in the very being stages and again were not of full value for 2021.

Ken Baim,

### 2.5 Upper Delaware Council – submitted by Susan Sullivan UDC Tusten Rep.

The June Monthly meeting was held in person in UDC office, and this years officers were sworn in. Following are items of interest. Minutes of the meeting can be found on UDC website.

#### **Technical Assistance Grants**

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Projects of historic and cultural value will be considered as well as land use planning, and criteria will be detailed in application forms. Applications need to be submitted by 8/20/2021

### **Ten Mile River Access and Boat Launch**

NPS Supt. Joe Salvatore reported that permission to enter into a **lease agreement** with the Boy Scouts was received but he is having problems finalizing the agreement with BSA, and therefore his personnel were not at the TMR Kiosk over Memorial Day Weekend. I again made him aware of the relationship between Town of Tusten and BSA. So as of now there is no lease agreement.

Regarding the **Boat Launch**, this is a project discussed at the Water Use/Resource Management Committee, which our Alternate Evan Padua attends, so I am only aware that it is on the agenda of that committee, it has been extensively discussed, but progress has been slow.

Also regarding TMR Access, NPS has apparently made a request to **acquire 20 acres of property** surrounding the TMR Access as identified on the Fiscal Year 2022 Project List released by the Land and Water Conservation Fund, and stemming from the passage of the Great American Outdoors Act.

When UDC Director Laurie Ramie asked Supt Salvatore about this he expressed mixed feelings about a purchase. He was asked to provide the Council with more information.

**Historical Societies** can obtain transcripts of the Oral Histories digitized by NPS. They are seeking virtual intern assistance for historic projects.

### **Skinnners Falls/Milanville Bridge**

NPS submitted a lengthy comment supporting Rehabilitation of the 1902 historic structure

UDC is seeking nominations for their **33rd Annual River Valley Awards** starting June 25, due by July 23.

**Annual Banquet** to be held at the Central House in Beach Lake on September 12.

UDC's July 1, 2021 Monthly Meeting will begin with a presentation on progress of **Sullivan County Rural Broadband by Loren Green.**

UDC staff continues to post pictures and items of interest to their FB page and Instagram.

### **Tusten Comprehensive Plan**

NPS approval of Tusten's Comprehensive Plan. No approval received as yet. Per Laurie R. Peter Manning spoke to Cody Hendrix, about a time limit, which there is not. So UDC suggestion is to go forward with adoption of the Comp Plan, conditional on NPS approval. Note that NPS has never overridden a UDC determination on substantial conformance.

## **2.6 Energy Committee – submitted by TEC Chair**

Smart Cities nodes. Please look at the costs for WiFi nodes and a camera.

The TEC position is this: Here in Narrowsburg, we have a history of parades, festivals and special events. Expanding technology for the public and for the street vendors is key

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to economic growth. Presently merchants generally have WiFi in their stores but service on the street is spotty at best. This additional WiFi for the public would run from the town hall on Bridge St through the length of Main St, and up Erie Ave a bit. Please note in your decision that, buying our streetlights from the utility saved the town \$12,000 a year in “maintenance fees” from NYSEG.

### Soft Plastic

To date the TEC has collected almost **4 ½ tons** of soft plastic waste to be recycled by TREX. We believe this program has developed awareness of soft plastic finding its way into our environment. It’s an eye opener to realize just how much plastic is in our lives.

We have now received our 4<sup>th</sup> TREX Recycled material bench for our efforts. We donated this bench to the DCS office on Main Street for their years of sustainable initiatives preserving our environment.

Star, Sean and I all collect bags of soft plastic bag dropped off throughout town and I deliver all the bags to Weis Market in Honesdale 3x a week.

Thank you to all participants and drop-off locations!

### Solar Array

There was a letter to the editor in one of the local newspapers recently that sought “clarification” regarding the Tusten solar array and the HORSE.

I called the owner of our solar array and spoke with him at length. In 2017 the town put out for bid a Power Purchase Agreement looking for a company to purchase, install and maintain the solar array. The Town of Tusten awarded it to a solar development company that would install it on land at the Town Barn and maintain the system for 25 years. During that time, **100%** of the electricity the solar system generates is for the benefit of the town. There is a list of meters that the solar system benefits each month.

By using solar to produce the towns electricity we are saving on the use of fossil fuels. We are proud to say that so far to date, The Tusten Solar Farm has generated 501.6 Mega Watt Hours and has reduced carbon emissions for the town equal to the total of planting 8,869 trees or reducing 38,920 gallons of gasoline use.

The HORSE has a new electric service that connects to a Town Highway outbuilding which is covered by solar credits. The HORSE uses minimal electric annually. The solar panel offset was set up acknowledging the Town would grow its use in the coming years.

So, when the TEC said “Tusten is the 1<sup>st</sup> municipality to own a food scrap digester that is covered by a municipality solar array in the US”, we were referencing all of the above in a nutshell. Green partnerships and efforts like this have helped a small town like Tusten become a NYS certified Climate Smart Community.

Brandi Merolla, TEC chair

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6/1/2021

**2.7 Grants** – submitted by Deputy Supervisor Jane Luchsinger

1. Upper Delaware Council – Comprehensive Plan Part 2  
Nearly finished. Waiting for NPS comments.  
2022 funding opportunity is now open. The Town is considering applying for funds to pay a consultant to assist with the completion of the Zoning ordinances.
2. Little Lake Erie Culvert – Waiting to receive Right of Way approval from one resident.
3. Water infrastructure project – We continue with Delaware Engineering, to monitor for an appropriate funding opportunity. A public hearing on the water system Preliminary Engineering Report will be June 22 @ 6:30pm. After the Town Board adopts the plan, the Town will be able to apply for low interest funding through the State Revolving Fund (SRF).
4. USDA – No word on this grant.
5. Green Infrastructure grant- no word on this grant.

**3 OLD BUSINESS**

**3.1 Hours for Temp Assistant to the NWS Clerk & Bookkeeper**

Motion, that Jocelyn Strumpfler, Temporary Assistant to the NWS Clerk, Town Bookkeeper & Confidential Secretary, will continue as previously appointed with extra time approved by the Town Supervisor as needed.

**3.2 Set New Water Rates for the NWS District**

Motion to approve the following water rates

USAGE IS PER QUARTER	< / = 9,125 Gal	9,126 gal – 14,000 gal	14,001gal +	
<b>Residential / Non - Profit</b>	\$ 127.00	\$ 0.019 per gal	\$0.025 per gal & residential base charge converts to Commercial for that quarter.	
<b>Vacant Residential</b>	\$ 63.50	-	-	
<b>Commercial</b>	\$ 190.50	\$ 0.019	\$ 0.025	
<b>Vacant Commercial</b>	\$ 95.25	-	-	

**3.3 Appraisal for Town Hall**

Motion to grant authorization to obtain a Commercial Appraisal for the Town Hall Building located at 210 Bridge Street

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### 3.4 Comprehensive Plan

#### **Resolution to Adopt the Comprehensive Plan**

**WHEREAS:** In January 2020, the Town Board appointed a Comprehensive Plan Committee (CPC) to undertake the preparation of the Town's Comprehensive Plan to replace the Town's 2007 Comprehensive Plan; and the CPC is comprised of members of the planning board, town board, and residents who have diverse backgrounds, experience, and expertise to help prepare the plan; and

**WHEREAS:** The CPC worked consistently on the plan, issued a survey, held approximately 17 duly noticed public meetings, received technical assistance from a planning consultant and county department staff; kept the Town Board apprised of the progress on the project; and completed a draft plan that contains goals, objectives and action steps to help guide the community's future; and

**WHEREAS:** The CPC duly noticed and conducted its public hearing on April 5, 2021 in accordance with Town Law § 272-a.6.; provided for written public comment; considered all the comments and information received at the public hearing and in writing; developed a summary of comments with replies and drafted adjustments to the plan; passed a resolution referring the draft comprehensive plan to the town board for adoption of the plan; and;

**WHEREAS:** The Town Board complied with all SEQR requirements in accordance with NYCRR Part 617 and Town Law § 272-a.8., issued a notice of intent to be lead agency in accordance with 6 NYCRR 617.6; considered the criteria contained in 6 NYCRR 617.7; and thoroughly analyzed all identified relevant areas of environmental concern; and issued a negative declaration and a statement supporting this determination of significance; and

**WHEREAS:** The Town Board referred the draft comprehensive plan to the county planning agency in accordance with General Municipal Law § 239 l. and m., and said agency recommended approval; and the Town Board referred the plan to the Upper Delaware Council (UDC) in accordance with laws and regulations of the Upper Delaware Scenic and Recreational River and its River Management Plan, and the UDC recommended 'substantial conformance' to the National Park Service; and the National Park Service issued its approval of the plan in accordance with applicable requirements;

**WHEREAS:** The Town Board duly noticed and conducted its public hearing on April 13, 2021 in accordance with Town Law § 272-a.6. and considered all the comments and information received at the public hearing; and



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**THEREFORE, BE IT RESOLVED:** The Town Board hereby adopts the Town of Tusten Comprehensive Plan in accordance with NYS Town Law 272-a.

**4 PUBLIC COMMENT**

*10 minutes will be given for public comment. Please keep your comments directed to the board.*

**5 NEW BUSINESS**

**5.1 Budget Modifications**

Motion to accepted the Budget modifications as follows:

<b>General Fund</b>			
<b>Increase</b>			
A162012	Bld Maintenance Personal Svec	\$ 2,000.00	
<b>Decrease</b>			
A1990.4	Contingency		\$2,000.00
<b>Increase</b>			
A5182.4	Street Lighting Cont	\$500.00	
<b>Decrease</b>			
A1990.4	Contingency		\$500.00
<b>Sewer Fund</b>			
<b>Increase</b>			
SS81304	Sewage Treatment/Disposal Contract.	\$10,000.00	
<b>Decrease</b>			
SS81974	Sewer Capital Outlay		\$10,000.00
<b>Water Fund</b>			
<b>Increase</b>			
SW83204	Power & Pumping Contr.	\$10, 000.00	
<b>Decrease</b>			
SW83404	Transmission/Distribution Contr.		\$10,000.00

**5.2 Road Closure Approval**

Motion to authorize the Narrowsburg Fire Department to close portion of roadway on July 4, 2021 to allow them to hold a parade in observation of Independence Day.

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### 5.3 Solar Powered Trash & Recycling Receptacle Pilot Program

Motion to

### 5.4 UDC Technical Assistance Grant

Motion to apply for the 2022 UDC TAG Program

### 5.5 Set Public Hearing

#### RESOLUTION AND

#### ORDER CALLING PUBLIC HEARING

**WHEREAS**, the Town Board of the Town of Tusten, Sullivan County, New York (the “Town”) has proposed certain improvements to the water system serving the Narrowsburg Water District (the “District”), including replacement of the existing water storage tank with a new 250,000-gallon steel water storage tank, installation of a new booster pump station, well improvements, replacement of existing fire hydrants, water valves and water mains and installation of new automatic flushing stations and additional new fire hydrants, water valves and water mains; and

**WHEREAS**, Delaware Engineering, D.P.C. has prepared a Map, Plan, & Report dated July 13, 2020 in connection with said proposed improvements; and

**WHEREAS**, the estimated cost of said proposed improvements is \$7,500,000;

**NOW, THEREFORE**, it is hereby determined as follows:

1. A public hearing shall be held on June 22, 2021 at 6:30 p.m. in person at Town Hall and via Zoom for the purpose of hearing all persons interested in the proposed improvements in the District.
2. The notice of said public hearing shall be in substantially the following form, to wit:

#### TOWN OF TUSTEN

#### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the Town of Tusten will conduct a public hearing on June 22, 2021 at 6:30 p.m. in person at Town Hall and via Zoom to consider certain improvements to the water system serving the Narrowsburg Water District, including replacement of the existing water storage tank with a new 250,000-gallon steel water storage tank, installation of a new booster pump station, well improvements, replacement of existing fire hydrants, water valves and water mains and installation of new automatic flushing stations and additional new fire hydrants, water valves and water mains.

The estimated cost of the proposed improvements is \$7,500,000.

The public is invited to attend and comment on the proposed improvements. It is expected that following the public hearing the Town Board of the Town will consider a bond resolution

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authorizing the issuance of its general obligations in an amount not to exceed \$7,500,000 pursuant to the Local Finance Law to finance the cost of the proposed improvements. Funding for the proposed improvements is being sought through the New York State Environmental Facilities Corporation's Drinking Water State Revolving Fund and through the New York State Environmental Facilities Corporation's water grant program under the Water Infrastructure Improvement Act. Other sources of funding may also be available and may be pursued, depending upon program requirements and project eligibility.

A Map, Plan, & Report describing the proposed improvements has been prepared by Delaware Engineering, D.P.C. and is available for public inspection by appointment with the Town Clerk. Said Map, Plan, & Report will also be available for public inspection at said public hearing.

Dated: June 8, 2021  
Crystal Weston  
Town Clerk  
Town of Tusten

3. The Town Clerk is hereby authorized and directed to cause notice to be given of said public hearing by publishing the same at least once in each of The River Reporter and the Sullivan County Democrat, newspapers having a general circulation in the Town and hereby designated as the official newspapers of the Town for such publication, the first publication thereof to be not less than ten (10) or more than twenty (20) days before the day set forth therein for the hearing as aforesaid, and shall also cause a copy thereof to be posted on the signboard of the Town maintained pursuant to the Town Law and on the website of the Town not less than ten (10) or more than twenty (20) days before the day designated for the hearing as aforesaid.

4. This order shall take effect immediately.

### 5.6 Set Special Meeting

Motion to set a Special Meeting for June 22, 2021 at 6:00 pm for the purpose

### 6 PUBLIC COMMENT

*10 minutes will be given for public comment. Please keep your comments directed to the board.*

### New Business Cont'd

### 5.7 Executive Session

Motion to enter into executive session for the purpose of discussing possible litigation.

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## 7 CLOSING ITEMS

- 7.1 Board Comment
- 7.2 Meeting reminder
- 7.3 Adjournment