



# Town of Tusten Town Board Meeting

Regular Meeting Agenda  
Meeting ID #890 1678 4280  
October 13, 2020  
6:30 PM

Community Hall  
210 Bridge Street  
Narrowsburg, NY  
12764

<b>Supervisor Bernard Johnson</b>	Present
<b>Deputy Supervisor Jane Luchsinger</b>	Present
<b>Councilwoman Jill Padua</b>	Present
<b>Councilman Bruce Gettel</b>	Present
<b>Councilmember VACANCY</b>	VACANCY
<b>OTHERS PRESENT:</b> Crystal Weston, Town Clerk; Kathy Michelle, ZRW Chair; Susan Sullivan, UDC Rep; 3 other members from the public.	

## OPENING ITEMS

### **Call Meeting to Order**

Supervisor Bernard Johnson called the meeting to order at 6:34 PM

### **Pledge of allegiance**

Supervisor Bernard Johnson led the Town Board in the Pledge of Allegiance

### **Announcements**

- Hydrant Flushing in the District on October 26 & 27, 2020 from 6:00 am – 12 noon.

### **Correspondence**

- Resignation Letter Richards

### **Payment of Bills**

#### **RESOLUTION #**

#### **PAYMENT OF BILLS**

On motion of Councilwoman Jill Padua, seconded by Councilman Bruce Gettel, the following resolution was,

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED**, that the bills be paid as presented:

**September 2020 Report**

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Fund Account	Ck Account Disbursement	Voucher #'s
General	\$ 47,905.24	834 – 853
	Late Bills: # 822-825, 827, 828,830, 834A	
Highway	\$ 181,708.02	895 – 912 Late Bills: # 831
Water	\$ 17,40.53	853A – 873 Late Bills: # 826, 831A, 833
Sewer	\$ 20,936.78	874 -894 Late Bills: 827A, 830A, 832
Light Dist	0	-
<b>TOTAL</b>	<b>\$ 268,315.57</b>	-

## DIVISION REPORTS

Supervisor Bernard Johnson read the following reports out loud:

### **Highway Monthly Report: September 2020**

- Used 951.8 gal of diesel fuel; 928.8 gal was for highway and 23 gal was non-highway use.
- Used 216.2 gal of gas; 6.1 was highway and 210.1 was non-highway use.
- Patched holes on dirt and paved roads.
- Stockpiled sand for winter.
- Mowed right of ways along roads.
- Paved parts of Cochection Turnpike and Irish Town road.
- Replaced pipes on Blindpond Rd, Hankins Rd, and Irishtown Rd.
- Ditched Irishtown Rd, Perry Pond Rd, and Grassy Swamp Rd.
- Cut trees on flats.

### **Water & Sewer Monthly Report: September 2020**

- Took lead and copper drinking water samples with the help of residents around town
- Took synthetic organic and primary in-organic drinking water samples at wells
- Inspected 21 septic tanks, repaired and replaced several broken inspection ports
- Fixed a broken curb valve box on Oak St
- Fixed a water leak inside Well #1
- Took 3 final meter readings
- Marked out water and sewer lines for 5 NY Dig Safe tickets
- Repaired broken corporation stop valve for a service line on 3<sup>rd</sup> Ave
- Maintained sand beds by burning weeds, removing sludge, and raking sand
- Completed monthly drinking water and waste water sampling and reporting

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- Mowed at wells, sewer plant, and land fill
- Added sodium bicarbonate to dosing tanks at the sewer plant for alkalinity adjustment
- Chlorinated sand bed #2 to kill bacterial growth on the bottom of the bed

### **Building Department/ Code Enforcement Monthly Report: September 2020**

- Construction Inspections - 26
- Fire & Safety Inspections - 2
- Complaint/Violation Inspections - 0
- Certificate of Occupancy - 6
- Certificate of Compliance - 6
- Building Permits - 13
- New Homes - 0
- Accessory Building/Garage - 2
- Renovation/Alteration/Addition - 0
- Camping - 1
- Chimney/Fuel - 0
- Accessory Building Commercial - 0
- New Commercial Construction - 0
- Renovation/Alteration - Commercial Construction - 2
- Deck - 2
- Demolition Permit - 0
- Driveway Permit - 1
- Electrical - 1
- Logging Permits - 1
- Mechanical - 0
- Permit Renewals - 0
- Pool - 0
- Roof Replacement - 2
- Roof Structure - 0
- Septic Permits - 0
- Sidewalk - 0
- Sign Permit - 0
- Solar Permit - 1
- Well - 0
- Flood Plain Permit - 0
- C/O and violation search - 16
- 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

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Building Inspector and Clerk attended webinar training on 9/8/20 on NEC Code Changes; 9/10/20 on Top 10 Things You Really Need to Know – Energy Code 2020 and Prescriptive Building Envelope; 9/11/2020 2020 Advanced In-Service Part 1 and 2020 Advanced In-Service Part 2 and on 9/15/20 Building Inspector Took Mandated Test and passed and on 9/17/20 Clerk Took Stated Mandated Test and Passed.

Monies collected by this office from September 1, 2020 to September 30, 2020 are \$4,165.20.

Respectfully,

Jim P Crowley, Building Inspector

JPC/js

### **Assessor Monthly Report: September 2020**

During the month of September, calls picked up from the mailing of the school tax bills. Most were for bills not received and questions on how to pay them. Many were able to use taxlookup.net and print off their own copy. Doreen Hanson seems to be extremely good at returning calls and solving the problem when taxpayers leave her a message. She also directly contacted me on some of her questions. Additionally, several calls were received for newly constructed properties and the status of the assessment on them so taxes could be estimated for the new owner and escrow accounts.

I attended the Sullivan County Assessor's Association meeting held at an outdoor pavilion to permit social distancing. No particularly hot topics were discussed, but many technical tidbits were mentioned and it was good to get perspectives from Chris Knapp who has become the new director of Real Property Tax Services for Sullivan County. Small Claims hearings were mentioned and most towns have a few from Adventine Properties and the problems we all face of dealing with James Burns the proprietor of Adventine and the poor quality of the evidence presented with them. So far no town has received a court date for any claim (thanks to COVID 19). Normally the hearings were scheduled to be completed in August.

We received four small claims tax cases for this year. One is invalid as it is for vacant land and was tagged onto the one for the residence filed by an owner. The other two were filed by Adventine Properties. These claims will require much time and effort to refute. In past years it has been possible to support the assessment and win the cases. I can only hope and work diligently to be successful this year too.

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## Town Board Meeting

Ken Baim  
Sole Assessor

### Upper Delaware Council

The UDC held its October monthly meeting at the Narrowsburg Union. It began with;

**Knotweed Presentation;** Jeff Skelding and Steven Schwartz did a presentation on efforts to control the spread of Japanese Knotweed in the River Valley. The study was funded via FUDR and US Fish and Wildlife who are soliciting applications from area municipalities and organizations. they want to spread these dollars around, but it is an in-kind match.

There will be three demonstration sites, Skinners Falls, Deposit Village Park and Hancock Fireman's field. At Skinners Falls, the area will be divided into six plots where different irradiation techniques will be used, from April through growing season. See UDC website for the full presentation.

**UDC Committees** Note: the following are highlights that impact Tusten only

**WURM Committee:** Work continues on the TMR Boat launch study by JH Industries in Honesdale. The BSA are involved, and UDC is pleased to be coordinating the effort to find a solution to problems caused by deep mud at the Ten Mile access.

**Project Review Committee:** There were two Project Review meetings in September, one to Review TAG grant applications, as well as the regular monthly meeting.

**TAG,** as you know we were awarded the full amount for our Comprehensive Plan Part I, and \$906 for the second 2020 Zoning rewrite grant. For the 2021 cycle, our application for Comprehensive Plan, Part II was approved for \$9,000. The entire TAG amount available was \$25,000 which was shared among three towns: all had to scale back their projects.

Amending the RMP to include Alt Energy/Solar as a new land use. the Committee also decided to go forward with Tom Shepstone's recommendation that the UDC's Position Paper be included in the form of a Supplement to the RMP. As Towns/Townships weighed in on going forward with a Minor Amendment Process, Four Towns including Tusten were OK with that, an equal number were opposed, and 7 did not weigh in at all. Minor Amendments need unanimous approval.

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### UDC

**Tusten Alternate needed;** As you all know, Evan Padua has gotten married, and will be spending a good part of the year out West. Dan Papparella will be traveling for the next year. I asked him to make the Board aware of this. So, it looks like we need an alternate UDC rep. I would like to have someone fill this position who could attend the WURM committee, and who would be willing to correspond with me via email. and attend some Project Review and monthly meetings this year.

### **5 Year Strategic Planning Retreat;**

This daylong event was held at the Narrowsburg Union, who did a wonderful job in every respect. Dan Papparella represented Tusten for most of the day, as I had to work. I joined at 2:00PM. Since there is no final plan, at this time, more on this later. It will be available on UDC website.

**Overuse of Accesses etc.** this may be an ongoing concern based on large increases in visitors this spring and summer continuing. Issues like trail maintenance, trash collection, law enforcement, traffic, and parking need to be addressed.

**32 Annual River Valley Awards;** Laurie put together a booklet which I'm sure she has sent to all honorees. (Copy given to Crystal)

November Presentation will feature Geology Maps of the area and will be held at the Narrowsburg Union

### **National Park Service**

this was the final meeting for Acting Supt. Darren Bosch. A permanent Supt. for UDSRR has not been chosen, so Ingrid Peterac will be Acting Supt. through November of this year.

Cody Hendricks has been hired as their Land Use Planner. He is from Georgia and has not worked for the Park Service before.

### **Energy Committee**

Tusten Energy Committee Monthly Report 2020

NYPA LED Streetlight Construction Kick-off Meeting

9/10/2020 In attendance: Brandi Merolla, Ben Johnson, Chuck Hermann (NYPA), Peter Frangie (Guth DeConzo), Doug Winston (D&M Electrical).

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Final meeting to discuss and confirm Tusten's LED Streetlight material and work order.

We have ordered 113 lights, 6 decorative pendants for Main Street, 107 Cobra-head fixtures for all other poles at 2700K brightness for all lights.

The installation crew will consist of 2-5 workers and will take less than 2 weeks to install. They will begin the install within 8 weeks. Safety is their primary concern. They will follow all CDC requirements.

Ben was designated their *point of contact* for any issues that could arise for installation and in the future.

All trash from the job will be sorted out, documented, recycled or disposed of to code.

Installers will cut the wire to the light, put the fixture up and add a fuse. Before finishing the install of each light, the wiring will be assessed and replaced if brittle or faulty. This cost has been built into the job.

Then the armature will be assessed and replaced if bent or faulty. Nodes will be added to each fixture with a tag with pole number. This cost has been built into the job.

Once the lights are installed, NYPA will update the NYSEG registry for our 113 LED Streetlights. We will be trained in dimming lights if we'd like to do so. Dimming can be applied to any or all lights to save energy, reduce light pollution and extend the life of the bulbs which have a 25-year life.

In the near future, WiFi, cameras and other Smart Cities nodes will be discussed at an aggregation meeting with other towns in a Phase 2 of installation. Tusten qualifies for a \$20,000 grant for Smart Cities nodes.

TEC Meeting 9/30/2020

In attendance: Brandi Merolla, Jennifer Porter, CoryAnne Mansell (CET).

Because of the pandemic, delivery of the HORSE food scrap digester is still undetermined but will probably ship in November from Seattle.

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In the meantime, Cory's team at Center for EcoTechnology has virtually trained 7 Tusten food merchants who have signed up to collect their food scraps. Their enthusiasm has been inspiring!

Brandi has been picking up food-grade buckets donated by Weis Market's for food scrap collection to be distributed to participating food merchants. The buckets are 4 and 5 gallons with lids and handles and a custom-made sticker.

Soft Plastic Collection

Our 3<sup>rd</sup> TREX recycled bench will be delivered soon to the library. And our soft plastic collection total to date since August 2019 is 5,415 pounds.

Brandi Merolla

TEC Chair 10/13/2020

### **Grants Monthly Report - report read by Deputy Supervisor Jane Luchsinger**

#### October Grants Report – Activity for September 2020

**UDC 2019-20 grants-** We have received \$900 for the 2019 zoning re-write project and we received \$10,000 for the 2019 Part 1 Comprehensive Plan project.

**UDC 2020-21 grant-** We have been awarded \$9,000 for Part 2 of the Comprehensive Plan project.

**Bridge NY grant** – culvert work continues. Much of the recent time has been spent on the ROW (right of way) work to establish ownership of properties needed for temporary bridge.

**Homeland Security and Emergency Service grant** – We submitted a detailed Letter of Intent for a \$950,000 project to upgrade the three wells in the water district. We are thankful to Freda Eisenberg, Director of Sullivan County Planning for reviewing the letter prior to submission. However, in the end our request was determined ineligible because “generators are not an eligible activity” and the wells are not insured with FEMA.

**Future possible grants-** the town is working with the Flats Neighborhood Watch group. To this end we are seeking funding for cameras to be located at specific strategic locations on the Flats.

Submitted by: Jane Luchsinger, Deputy Supervisor

### **OLD BUSINESS**

1. Set Budget Workshop



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### **RESOLUTION # -20**

#### **SET BUDGET WORKSHOP**

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED**, that a Special Meeting of the Town Board for the 2021 Budget Workshop is hereby set for Tuesday, October 27, 2020 at 6:30 PM, to be held at the Tusten Town Community Hall located at 210 Bridge Street, Narrowsburg, NY 12764 and,

**BE IT FURTHER RESOLVED**, that the Town Board Special Meeting Agenda Workshop scheduled for Tuesday November 3, 2020 is hereby canceled due to in person elections.

2. Set Budget Public Hearing for November 10, 2020

### **RESOLUTION # -20**

#### **SET PUBLIC HEARING FOR 2021 PRELIMINARY BUDGET**

On motion of Deputy Supervisor Jane Luchsinger, seconded by Councilwoman Jill Padua, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED**, that Public Hearing for the 2021 Budget Workshop is hereby set for Tuesday November 10, 2020 at 6:00 PM, to be held at the Tusten Town Community Hall located at 210 Bridge Street, Narrowsburg, NY 12764 and via Zoom.

3. Town Hall Roof
  - a. Delay in paperwork - Projected to take one week to complete -

### **PUBLIC COMMENT**

Public comments heard from:

- Kathy Michelle - zoning re-write information
- Stephen Stuart re: Little Lake Erie Culvert
- Star Hesse re: difficulty hearing, also issues with speeding erratic driving on Main Street & Noise
- Mike Farrell - trash concerns around town

### **NEW BUSINESS**

1. Appoint Ken Klein as Attorney to the Town of Tusten

### **RESOLUTION # -20**

#### **APPOINTMENT OF TOWN ATTORNEY**

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED**, that Ken Klein be hereby appointed as the Attorney to the Town of Tusten Town Board.

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### 2. Appoint Court Officers:

#### **RESOLUTION # -20**

#### **APPOINTMENT OF COURT OFFICERS**

On motion of Supervisor Bernard Johnson, seconded by Councilwoman Jill Padua, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED** that Scott Schoonmaker & Crystal Gadson be hereby appointed as Court Officers for

- Scott Schoonmaker
- Crystal Gadson

### 3. Approve NWS to auction Town truck with the Vin #

#### **RESOLUTION # -20**

#### **APPROVAL TO AUCTION**

On motion of Deputy Supervisor Jane Luchsinger, seconded by Councilwoman Jill Padua, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED**, that Narrowsburg Water Sewer Superintendent David Bunce is hereby given the authority to auction NWS Truck with the last 4 of the VIN B54931.

### 4. Halloween Tusten Youth Road Closure Request

#### **RESOLUTION # -20**

#### **ROAD CLOSURE FOR HALLOWEEN EVENT**

On motion of Deputy Supervisor Jane Luchsinger, seconded by Councilwoman Jill Padua, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED**, that Tusten Youth Commission is hereby approved & directed by the Town Board to close 2<sup>nd</sup> Ave from the intersection of 2<sup>nd</sup> Av & 3<sup>rd</sup> street around through the intersection at 2<sup>nd</sup> Ave & 4<sup>th</sup> Ave to end at the intersection of 4<sup>th</sup> Ave & 3<sup>rd</sup> St on October 31, 2020 for a Halloween Trunk or Treat from 4:00 PM – 7:00 PM

### 5. Approve Road Closure on Friday October 30, 2020 Main Street

#### **RESOLUTION # -20**

#### **ROAD CLOSURE FOR 'FRIDAY ON MAIN'**

On motion of Supervisor Bernard Johnson, seconded by Councilwoman Jill Padua, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED** that Main Street be closed from the interstate Bridge to the Deck from the hours od 5:30 Pm – 8:00 PM on Friday October 16 & 30, 2020 for 'Friday on Main'.

### 6. Halloween Curfew

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### **RESOLUTION # -20**

#### **SET HALLOWEEN CERFEW**

On motion of Councilwoman Jill Padua, seconded by Councilwoman Jane Luchsinger, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED** that a Halloween curfew be in effect from 9:00 p.m. on October 30, 2020 to 6:00 a.m. on October 31<sup>th</sup> & 9:00 pm October 31<sup>st</sup>, 2020 thru November 1, 2020 at 6:00 am. This is in effect for minors, under 18 years of age unaccompanied by an adult.

7. Set Winter restrictions - snow & ice removal.

### **RESOLUTION # -20**

#### **WINER RESTRICTIONS - SNOW AND ICE REMOVAL**

On motion of Supervisor Bernard Johnson, seconded by Councilwoman Jane Luchsinger, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED**, that there will be No Overnight Parking on Main Street from 11pm to 6am from November 15, 2020 through April 25, 2021 to facilitate snow removal.

The following roads will be closed for temporary discontinuance of snow plowing, sanding and ice removal in accordance with Highway Law 205, between **December 1, 2020 and April 1, 2021**;

Irishtown Rd: End of blacktop to bottom of Smith-Hughes.

Deep Hollow Rd: from Lackawaxen Rd. and Cochection Turnpike to second house near County Rd. 22.

Cochection Turnpike: from Mahls Pond Rd to St. Hwy 97 to Ten Mile River Rd #10.

Tusten Road: from St. Hwy 97 to Stone Arch Bridge to railroad tracks.

Blind Pond Road: From Whippoorwill Hunting Club to the town line.

#### **LAKE ERIE RESTRICTIONS**

During the winter months from **November 1, 2020 through April 1, 2021**, motorized vehicles, i.e. Snowmobiles, all-terrain vehicles and cars will not be allowed access to Little Lake Erie.

#### **WINTER WEIGHT RESTRICTIONS**

Seasonal weight restrictions on certain roads (stated below) shall be in effect:

Whereas, the Highway Superintendent of the Town of Tusten has made known to the town board of the Town of Tusten that the following roads are in danger of sustaining damage due to the present condition of the traveled roads and weather conditions as a result of trucks in excess of ten (10) tons: Ackerman, Blind Pond, Brook Rd, Buddenhagen, Cochection Turnpike, Crawford, Daub, Dexheimer, Evergreen, Francis Drive, Grassy Swamp, Hoffman, Humphrey, Lackawaxen, Irishtown, Mahl's Pond, New Weiden, Parker, Perry Pond, Ryer, Schalck, Swamp Pond, Trout Pond A&B, and Wood Oak and it being the

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opinion of the Town Board that such town highways would be materially injured by the operation of any such vehicle thereon during the months of November through April inclusive and pursuant to authority contained and set forth in Vehicle and Traffic Law Section 1660 (11),

**NOW THEREFORE, be it resolved** and determined that the Town exclude from heretofore mentioned roads any vehicle with a combined weight of truck and its load in excess of 10 tons during the months of February through April inclusive, each year, and exceptions being necessary deliveries to residents as well as school buses. The exclusion shall remain in effect until the removal of signs as directed by the Town Board.

### 8. Accept resignation of Court Officer Richards

#### **RESOLUTION # -20**

#### **ACCEPT RESIGNATION**

On motion of Councilwoman Jill Padua, seconded by Councilwoman Jane Luchsinger, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED**, that the Town Board hereby accepts the resignation of Court Officer Richards.

#### **PUBLIC COMMENT**

Comments heard from the following:

- Peter DeAngelis - Trunk of Treat Event
- Kathy Michelle - re: Parking
- Star Hesse - Garbage issues

#### **CLOSING ITEMS**

##### **Board Comment**

- Hazard Mitigation - trying to get FEMA monies
- Met with CEO of NYSEG and discussed the planned upgraded to the system.

##### **Meeting reminder**

Work Session October 27, 2020

No Meeting on November 3<sup>rd</sup>, 2020

#### **RESOLUTION # -20**

#### **ENTER INTO EXECUTIVE SESSION**

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On motion of Supervisor Bernard Johnson, seconded by Councilwoman Jill Padua, the following resolution was

**ADOPTED 4 AYES 0 NAYS 1 VACANCY**

**RESOLVED** that the Town Board enters into executive session at 7:30 PM to discuss pending litigation.

No decisions made

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, the Town Board exited Executive Session at 7:40 PM.

### **Adjournment**

With no further business the Motion made by Supervisor Bernard Johnson, seconded by Councilwoman Jill Padua to close the Regular meeting at 7:41 PM.

Respectively Submitted

Crystal Weston

Town Clerk