



Town of Tusten Town Board Meeting

Public Hearing & Regular Meeting Minutes
April 12, 2022
6:15 PM

Venue: Tusten Community Hall, 210 Bridge Street, Narrowsburg NY
Zoom ID 809 1678 4280

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| PRESENT | Supervisor Bernard Johnson Deputy Supervisor Jane Luchsinger Councilman Bruce Gettel (Entered at 6:37 PM) Councilman Kevin McDonough |
| ABSENT | Councilman Greg Triggs |
| OTHERS PRESENT | Crystal Weston, Town Clerk; Ken Klein Esq., Attorney to the Town; |

1 **PUBLIC HEARING** (6:15 PM)

1.1 **Introductory Local Law No. 1 of the Year 2022, entitled "A local law amending the Zoning Law and the Subdivision Law of the Town of Tusten, Sullivan County, New York."**

Supervisor Johnson called the Public Hearing to order at 6:18 PM - The Following is a transcript of the Public Hearing:

Supervisor Bernard Johnson [00:00:01] Thanks for taking the time to both attend this hearing and to those that have submitted written comment to the board. This is an important part of the process. The Zoning Committee formulates recommendations for the town court. The legislation into law based on those recommendations. The purpose of this hearing is to receive comment on the proposed local law number 1 of 2022 to the introduction of this law was presented at the March 8th meeting and this hearing was approved by resolution in that time with proper notice, given. The purpose of this hearing, is not a debate format or a question-and-answer session, but one that allows the board to hear the concerns of the people and then forward those concerns and the concerns of the board. Back to the Zoning Committee for review and further recommendations based on those comments and then back from the committee to the board. Before we begin, we have a couple of housekeeping rules. There is a sign in sheet for those that wish to comment. The clerk will call each person in order to sign in with the in person comment first and then assume that if you don't sign up, you still will be able to give comments. In an effort to keep the hearing moving, each person will have one opportunity to present to the board and three minutes to present. Those with longer comments may present them in writing to the board for inclusion. Each person presenting in person will approach the podium and introduce themselves to the board prior to the beginning of their comment in the direct comments to the board. Those who have used prepared written comments are welcome to leave those written comments with the clerk if so desired. Those who wish to on zoom may use the raise hand function so that the clerk may recognize you and unmute your microphone at the proper time. The same rules apply to Zoom participation regarding introducing yourself time of presentation in a number of times present prior to beginning, an open presentation on behalf of the town will be Peter Manning, our planning consultant. And this time I will ask Peter to take over.

Peter Manning [00:02:16] All right, I'll begin with that unmute. I think we're all set. Again, I'm Peter Manning, the planning consultant for the town in particular. I work with the Zoning Revision Committee and I worked with residents in the town board and the Comprehensive Planning Committee on your recently completed comprehensive plan. As always, thanks for the opportunity to address the board and the public. And I want to take a few minutes to summarize a few things for many of you. You will have heard this before, but I'm going to go over it again now, as it may be even more important in light of some recent comments that were made regarding this proposed local law. So let me begin with the background. I began working with the town in 2015 following a grant that the town received to improve their zoning subdivision and other land use regulations to enhance water quality and environmental protection. A land trust from Pennsylvania who works in the Upper Delaware watershed was involved. They conducted a pretty thorough audit of your zoning and your subdivision. Lot out of that process came a number of recommendations for the town to pursue to again improve your environmental zoning regulations and so forth. So that's the context in which I became involved. And it's important because as we set out to do the many things that we were essentially charged with, a number of other land use issues came up. And this Zoning Review Committee originally set to do these environmental regulations, was then charged with a host of other assignments, which we performed very well. But it was a lot of work, and I'd like to again commend this volunteer for the most part, zoning revision committee and all the work that that they've done and they continue to do. Regulations are an important tool in a town, and they've done a great job on really what's a monumental and ongoing task. Now, getting back to some of the assignments we had those included to explore camping. At the time, there was a lot of increased uses in camping and there wasn't a lot of regulations or ways to manage it at the same time this committee looked at. Well, if I own a piece of property, what can I do along the lines of camping and not have to go through a lot of regulations? So they looked at our management of these uses, and they also looked at permitting process and property rights. We also developed a solar energy law. We also explored short term rentals. We also drafted a mass gathering law and we also drafted a noise regulation. So again, hats off to this committee for all the work that they do. And right now, we're engaged in a thorough review of the zoning regulations, as are many parts that continue to need improvement. So in the larger scope, this local law is part of a an ongoing and comprehensive process. Now that's a good preface to the explanation of local law because it contains some of those environmental regulations, some cleaning up of the zoning law, some things that were left over from all the work on the committee and so forth. So what you have is a a mixture of different zoning amendments. And again, they're all designed to improve the regulations and really the quality of life in the town. We know that sometimes things are contentious. And again, this committee really took great dedication and commitment in their work. So among the features of this local law, you have a zoning district change in the downtown area. Several parcels are now becoming part of the downtown business district. They were just outside that in in that in the next district. And I think it's about seven acres and 11 parcels or something like that, and it's all detailed in the local law by Tax Map. No. And we have, of course, the changes on the proposed zoning map. Another item of the local law is to adjust this schedule of uses. And this is very important with regard to some of the comments that were received recently. And I want to get back to that. But essentially, you have some adjustments in the schedule of uses and some of those adjustments are reinforcing laws that were already adopted. So, I'll get to that in a moment. Again, the environmental regulations are a good part of this local law. You have and this came up in the comments. You have regulations for clear cutting. So, when you make a regulation for inactivity, it becomes listed in a schedule of uses. Right. So, it's not just that that used is allowed in that district. What it also does and this is the case in clear cutting, is it allows the town to review the activity, right? So prior and still now before you adopt this law, there's no regulations to manage the activity of clear cutting as well as forestry and how you remove topsoil from slopes and things of this nature. So, the clear cutting and the forest management, the timber harvesting, all these regulations are designed to better manage and balance the these kinds of uses that have environmental impacts. We also have along the lines of environmental amendments. We have changes to the parking requirements to have less of an imprint on the land. There are related landscaping requirements that assist in not only the esthetic appearance of parking, but in mitigating stormwater impacts, and you'll see language in there on stormwater as well. What you also have is a very thorough revision of the Zoning Board of Appeals section of your local law. Much of the language comes from the state statute, as you probably know, or at least many of you do. Zoning Board of Appeals is a complex process. So, the better we can explain it, the better it's going to help everyone applicants, code officer, zoning board of appeals. So that occupies a big section. Now let me focus on a couple of things I mentioned in 2017, zoning amendments were passed to allow campgrounds and RV parks in I think it's all the districts or most of them. It's in the law as allowed uses, but subject to special use permit review. So, this is very important. The law was already changed to allow those uses. What you see in the current law is putting those in the schedule of uses because that was not done in 2017. And again, you know, this committee is busy. We've been doing a lot of things. So, this is a follow up action just to reinforce the changes that were made, I explained clear cutting. Yes, it's in the list of special uses in certain districts. But again, that's so the

town now has review authority over certain activities, as explained in the law. Now, with regard to parking again, you'll see a lot of adjustments and those relate to some environmental impact mitigation. But there's also a newer section that we put in more recently these changes go back a number of years, but more recently to give the the planning board and the code enforcement officer more flexibility when it reviews projects in the downtown area. There's a clause in there that gives them that flexibility to try to better accommodate businesses in terms of looking at solutions for parking that don't necessarily require things that aren't able to fit on a given site. And you know, the zoning is only going to do so much for some of the parking challenges that you have. So the committee has done a good job with that. We also recognize that parking is a larger challenge in the community. There's a town board committee and there's a number of projects trying to tackle that. So that's kind of a comment on there is one letter submitted on extensive parking comments, and we'll have more of a chance to digest that. But just to say that the zoning can only do so much. Now, just to clarify my role, I provide professional assistance to any board or officer in the town that requests it, but specifically, I work with the Zoning Revision Committee and essentially, I help the town do what it wants with regard to what the goals are. The comprehensive plan with regard to the statutes as the planning board, for example, exercises its authority in the statute. I provide assistance to make your zoning law again a very important tool to make it more user friendly, to make it more understandable not to hold up applicants. So that's basically everything in a nutshell, with some treatment of some of the specific comments that we receive now going forward, if and when the board would like me to answer questions. That's up to them. I'll be on hand here as we get into this. So again, thank you for allowing me to address the board and the public.

Supervisor Johnson [00:13:25] Thank you, Peter. We're going many questions for Peter before.

Councilman Triggs [00:13:29] Peter, just for the sake of everyone's clarification when you talk about the special use permit. Could you just very quickly walk everyone that so they understand what's involved?

Peter Manning [00:13:40] Yes. And who is asking?

Councilman Triggs [00:13:43] Greg Triggs.

Peter Manning [00:13:44] OK. Yeah, it's hard to see. Absolutely. So Special Use Permit is a statutory authority that's available from the state of New York if a municipality chooses to utilize it. Of course, the Town of Tusten has, and they have given that authority to the planning board. Now a special use is an allowed use. Subject to the criteria that's laid out in the zoning law, its purpose is to ascertain the harmony of the youth with the neighborhood and the zoning regulations. So, in a nutshell, it's an allowable use, but it's got to be able to fit into the neighborhood. And the way that's done is through the criteria that is affixed to either a specific use or a number of uses in general, as explained in your zoning law. So basically, the planning board is going to put it to the test using the guide of the zoning regulations to ensure that there's compatibility with the neighborhood and the overall district and the zoning regulations. So, it's incumbent on the applicant in part or more than just in part to demonstrate to the planning board that in fact, that use is going to fit harmoniously in the district that it's being reviewed.

Councilman Triggs [00:15:18] And, Peter, just to further clarify what the neighbors have the opportunity to weigh in at the time that that permit is requested?

Peter Manning [00:15:26] Yes. In the statute, you must hold a public hearing on a special use permit application. Now, while all public comments are important. One of the planning board's charges is to relate the relevance of those comments to again, the zoning regulations and the application at hand. So if somebody goes on for ten minutes about something, it may or may not be within the planning board's purview to apply those comments. But the short answer? Yes. Not only do neighbors have a chance to speak, but public hearing is required for a special use permit.

Councilman Triggs [00:16:11] Thank you.

Peter Manning [00:16:13] You're welcome.

Supervisor Bernard Johnson [00:16:16] Any of board? Crystal, you want to start with your list?

Crystal Weston [00:16:23] Let me just move my mic and Brendan you're up. So we're going to put this mic here this way. One here can hear everyone online. All right.

Brenden Weiden [00:16:41] Great. Thank you. Thank you, Peter, for that background. Thank you, board. I'm here to talk about parking. I think my favorite subject, I'm going to start off by saying reminding everybody we have a tough zoning law. This is the law of the land.

Supervisor Johnson [00:16:54] You're making your presentation to the board.

Brenden Weiden [00:16:57] So that's OK. OK, very good. This is this is the law of the land since March of 2012. Everything that's done in the town is supposed to comply with this law. So parking, we want to differentiate with parking demand and parking supply. So, the two very important things, but I'm a big proponent of parking. I would love for the town to have more parking, but you have to have the supply before you create the demand. The demand for the supply is bedlam here. Used a great term harmony. If you have more demand than you have supply, you're not going to have harmony. Let's put them in the right sequence and the town needs to do everything it can to create the parking supply. The Tusten Comprehensive Plan 2021 mentions parking 32 times, 27 times it refers to a shortage of parking in the town. The Action Plan of 2021 Comprehensive Plan twice recommends (inaudible) I can go through to all the points you can read it. You can see how the town has recognized the parking supply is short. It needs to be increased and it needs to be increased before you increase demand. So just a couple of points the Town recognizes, I think the town has made some efforts to increase parking supply, but the parking supply on the far side of town doesn't help the near side of town. The parking supply has got to be proximate to where the demand is. To that what we're recommending of the town engage a professional firm to study the traffic and parking situation in the town and conduct a really professional study. Where is it needed to understand where the potential is for the demand to grow based on economic development in the town and only after that study was done and after the town creates the actual supply should there be permission to grant the growth and the demand. I'm going to ask about the parking committee. I volunteered several months ago to be on the parking committee. I've spoken to Al Smith a couple of times for a little parking committee has never been called into action. I would like to serve on the parking committee. I think, I think I have something to add and something that would be of value to the town, and I hope the parking committee gets going soon. I hope the parking committee have some actual leverage in terms of what they're willing to do. There they are in this code. There are proposed changes that are inconsistent with the comprehensive plan and I can read the sections and I'm not going to put it all in three three minutes, so I'm not going to pry. But the town needs to really take a methodical way to study before they go, spending money where is the parking needed and apply some funds that the town has. And you know, there's been another proposal which I don't know why the town hasn't acted on it. I've spoken to the code enforcement officer about it. Other people in town have told me about it that if somebody needs to have a demand for parking that exceeds the supply in proximate distance close to that particular need, that they should fund the parking committee parking fund. Excuse me. Right. And that if you needed 100 spaces and you can only provide 10, then you've got to fund 90. You've got to fund 90 spaces. And the town would have to put a dollar number on what that is. But the town needs to raise the money to be able to purchase land or create a parking structure or do something to increase the parking. And that's the way that other towns have done. And I would suggest the town should seriously consider it.

Supervisor Johnson [00:20:51] Your time running,.

Brenden Weiden [00:20:52] If you can look to my blog, the heart of the matter is the town needs to create the supply before they create the demand. Thank you. All right.

Star Hesse [00:21:12] Yes, I'd like to thank the Weidens for their very thorough presentation this evening of the various problems and areas of concern regarding the issues such as parking and other zoning regulations in the town of Tusten. Based on that, it appears that local law number one, that's before the board this evening. Is a flawed document and certainly has many areas. Of extensive concern about parking and zoning issues that have not been addressed in local law number one. I submit that it would be both illogical and ill-advised for the council to move ahead with approving and voting on this document. Local law number one as it stands. And I would ask that the board. Are they going to? Are you going to be voting on this tonight approving this tonight?

Supervisor Johnson [00:22:17] We're not answering questions, but no, we are not voting on it tonight.

Star Hesse [00:22:20] OK, so hopefully there is still time then to have these concerns that have been raised. And some of these issues go back to 2013, nine years ago, where they still have the same exact problems that were being talked about then that are being not addressed in this local law amending. The town's zoning and subdivision laws, so I would ask that the board take note of what was presented today. I am hoping that more people in the town will be made aware of the issues involved here and that at some point these issues before you do any voting on revising or changing the existing laws that Lord knows they need to be changed. But these other points have got to be addressed in order to make that a constructive change instead of just shuffling papers. So, I would appreciate it if the board would consider what they've been given in this documentation from the Weidens. I think a lot of other people would have been here this evening. Had they had a more concise idea of what exactly local law one entails and does not address. And I thank you for your time.

Crystal Weston [00:23:51] Kerry Engelhart.

Kerry Englehart [00:23:58] Hi, I'm Kerry Englehart, I'm the resources and land use specialist with the Upper Delaware Council. I'll be reviewing the proposed zoning laws for substantial conformance with the River Management Plan. My review is not complete, but I did have a few items that I wanted to bring up with regards to the overlay districts that were previously or, I guess, presently for overlay districts. But the proposed zoning law just has to be in the Upper Delaware scenic and recreational river corridor overlay, mouthful has been removed. It's still on. It's still shown on the zoning map, but it's not an overlay district anymore. And I just wanted to note that all districts, except order to rural development, are located in the corridor like the corner contains parcels and all of those districts. So, I worry that there will be confusion where residents will have proposals that match the zoning law and then they run into trouble because they don't meet the requirements of the river management plan. Then because they don't realize they have to. And also, the wellhead protection area overlay zoning district. I didn't see that on the zoning map, even though that zoning law said that it was shown on the map. So maybe just that just needs to be turned on. And I guess that's it. I'm just like, I just want to make sure that there is consistency and that the zoning law definitely shows and is clear about the requirements that people have to meet when they're in the corridor, even if they might be in a district that isn't the scenic recreational or the scenic river or the recreational river district. So, thank you very much.

Crystal Weston [00:25:56] Bernie Lohman.

Bernie Lohman [00:25:58] I'm going to pass for now.

Crystal Weston [00:26:00] Okay. Michael Farrell?

Mike Farrell [00:26:04] Hi, there. Just a couple of quick comment. As Peter indicated earlier, this process has been going on for quite a while, well over seven years. At this point in time and seven years is a long, long time. And I understand that chewing through code can be very tough sledding, but it seems in the past sometimes the sled tipped over and got stuck there and didn't move forward. I want to compliment the committee for whether or not this law has now presented passes or not or requires additional revision. But there seems to be good momentum on the part of the committee to actually get something done, and I think that's a very positive move. As for the law itself, I found one of the most interesting and helpful parts of it is the redefinition and explanation of what the ZBA does. As Peter referenced earlier, some of the passed code and regulations seemed rather confusing. This actually helps and should help the public have a better, clearer understanding of what the ZBA can do, and it should also help the members of the ZBA in terms of being able to explain to the public what exactly they're doing for them, to something that actually is a readable document. And I thank you for your time.

Crystal Weston [00:27:26] Vicki. There's some, we'll go with Vicki and then backwards.

Vicki Harris [00:27:36] I have two pieces of commentary here. Okay. Pardon. Hi, I'm Vicki Harris. I am new resident on Hankins Road as of about two years ago, and I have a letter here from a lawyer who has written the letter on behalf of approximately 30 people who live on the road. And then I'm going to send my letter, says Mr. Reynolds does so with some personal comments, but this is from the lawyer, Dear Supervisor Johnson, I don't know which one of you, a supervisor, their supervisor Johnson and board members. This office represents over Nick Conrad Kleber and other homeowners living on Hankins Road from Crawford Road in the Scenic River as our zoning district. We object to the proposed zoning amendments that would add campsite tent commercial campgrounds or RV Park, clear cutting, commercial greenhouse, and river access facility as permitted uses in the S.R. district under the current

S.R. zoning. The only principle permitted use is one family dwelling units. Special uses including include farm operations, bed and breakfast establishments, farm stands and sportsmen clubs, the development of the proposed permitted uses in the SR Zoning District, which would cause significant adverse impact on the homeowners in the SR district, the environment and on the purposes of the S.R. District itself. The recently adopted Comprehensive Plan does not support the proposed zoning amendments in the SR district. The proposed amendments are not consistent with the comprehensive plan. SR district is designated as the Scenic River District for a reason. The zoning code itself states that the S.R. District is intended to complement the Upper Delaware and Scenic Recreational River Corridor as defined as designated as a scenic segment. This district is further intended to preserve scenic character, which is presently the purpose of the federal Upper Delaware River Act is to preserve outstandingly remarkable scenic recreational, geologic fish and wildlife, historic, cultural and other similar resource values that qualify the Upper Delaware for inclusion in the National, Wild and Scenic Rivers system. Development of the proposed permitted uses will significantly adversely impact those resource values, and the town board is required to study and evaluate potential environmental impacts as part of its SEQR review of the proposed zoning amendment and here listed below, there are several requirements that what is required to do, which I'm not going to be because I think you'll probably know that and in the interests of time, I will go on. The proposed permitted uses would transform the fundamental character and purpose of the S.R. district. Our clients request that the board study and evaluate the environmental impacts cited in this letter and the individual letters submitted by the homeowners seek the input of professional consultants and reconsider the proposed zoning amendments in our district. We're introducing the next step, and I'm going to conclude with some remarks of my own because.

Supervisor Johnson [00:31:06] You could do that quickly. That would great.

Vicki Harris [00:31:08] I'm going to be really quick. I'm going to be me now, not him, OK? I urge the town to consider the residents of Hankins Road who have steward of this part of the district by following strict development ordinances, maintaining their parcels and paying taxes above and beyond the norm to keep the area beautiful for residents and visitors alike. As a resident, I love the sound of kayakers floating down river in the summer, the sights of hikers and their children and dogs, year-round and sharing creation of the recreational opportunities of the 10 Mile River provides. Also, as a resident, I oppose the intrusion onto that ambiance with the proposed changes outlined above. In conclusion? Don't it always seem to go that you don't know what you got till it's gone? They pave paradise to put up a parking lot, so please, please. We know what we've got. Don't pave paradise to put up the parking lot Thank You

Crystal Weston [00:32:05] OK. Liam?

Liam [00:32:14] Sorry, I thought it was just a general sign-in sheet

Crystal Weston [00:32:16] That's alright.

Mike Farrell [00:32:18] In order to speak. Yes. OK.

Crystal Weston [00:32:21] That's OK. I'm not sure. Anyone? Heidi Schneider. Heidi? You have any comment you'd like to make? No, no. OK. Susan Sullivan.

Susan Sullivan [00:32:47] I also thought it was the sign in sheet, but I'm glad that I signed because maybe OK, what I am confused by, I'm looking at this and I might look at it was very sketchy and it comes from the perspective of being your Upper Delaware Council representative and understanding the intent of the river management plan pretty well. After all these years. And so, I am totally confused as to why the Scenic River District would under principle permitted uses include the word commercial. Then spoke to and I didn't know what that means. So, I assume somewhere there is a very long definition, very specific definition of commercial. I haven't read the commercial in that district is not the intent of the river management plan. And by putting it there, you put yourself in direct opposition to the outstanding remarkable values which the park service is dedicated to preserving. So that is a mystery to me and the recreational river district as well. Commercial why is it there? I have no idea. Under Special Uses commercial regulation is a special use that's perfectly understandable because there is a campground there, so maybe that campground wants to expand. That would be a special use that makes sense under principle permitted uses. It makes no sense. The permitted uses long and notice that it's not in general residential everyone is in residential. G.R. has preserved themselves from commercial apparently. What you come to downtown business,

there's no commercial as a principle permitted use, which I would think is where it belongs because the intent of the River Management Plan is not to prevent development, it's to locate it properly. So, a commercial development would go in a roadside district again in roadside it's not there. So, I'm just saying we need to really basically follow what this town has always followed, which is putting development where it belongs. If you want to put a gas station, you put it in downtown, in roadside business. If you want to put a store, you put it in downtown business. If you want to put a campground, you might put it in. The recreational river district, since it is recreation, but you also need a special use because of the sensitive ecological issues there. So, I mean, it's probably a whole lot more but that was it just stood out to me that that's crazy. The thing I'd like to admire is that on steep slopes, you've gotten more restrictive with 10 percent than the 15 percent that are in place suggest. But here's something. And I'm sorry I didn't time myself logging your time on the steep slopes. Let's be careful. There are two instances on Humphrey Road where people have clear cut right down the steep slope in order to have, I think, a more spectacular view to sell the property and flip it. I would really like our logging to be tightened up to the point where people can't do that. That's a steep slope. That's erosion that destroys the river. Ultimately, if you keep doing it. Okay, thank you.

Supervisor Johnson [00:36:29] Thank you.

Crystal Weston [00:36:32] Fabiana?

Fabiana Lotito [00:36:37] I also confess that I thought it was a general sign in sheet, but now that I'm hearing you, call my name. I also confess to not really. This is my first time coming to one of these meetings. I did some of the Zoom ones and I was not prepared. And having read it, I was thinking, however, during the initial discussion that, you know. Sometimes you don't want to let perfection get in the way of progress. Right after hearing some of this stuff, though, I also wonder. Don't do more harm than good, so I just. Those are two kind of opposing forces, and I guess it just leaves you. I'm sure you got that same sentiment. And it leaves you with a lot to think about. So.

Councilman McDonough [00:37:23] So your name is...

Fabiana Lotito [00:37:24] Fabiana Lotito. Thank you.

Crystal Weston [00:37:31] Brian Mendoza?

Brian Mendoza [00:37:32] I'm good, Peter addressed my comments.

Crystal Weston [00:37:37] Gayle.

Gayle B. [00:37:39] I just signed in.

Crystal Weston [00:37:39] No, that's OK, James.

James S. [00:37:42] I also thought

Crystal Weston [00:37:44] OK, very good that anybody here wants to comment that I did not call on. OK. So we'll move to Zoom. Yes. Yes. OK. We have Tony Ritter.

Tony Ritter [00:38:04] I'm going to try to get unmuted Is that OK?

Crystal Weston [00:38:09] You are good.

Tony Ritter [00:38:11] Can you hear me okay, Crystal? Yeah, right. Thank you. And thank you for letting me speak. I'm speaking on behalf of my wife, Linda Slocum and also myself and I have a prepared statement that goes like this. By way of introduction, my wife and I have lived in Narrowsburg for 36 years. I was the chairman of this town's Zoning Board of Appeals for 16 years and then I was elected as a council person and served in that position for eight years. My wife served on the planning board for this town for seven years, and our concern and comments regarding the proposed local law number one 2022 for the town of Tusten. The proposed law states that it is intended to provide for the orderly development of the town and to provide the health, safety and welfare of its residents and rural character of the town. Indeed, health, safety and welfare is what your board is charged with upholding, and our

concerns are as follows Number one. There was no glossary provided for many terms introduced like accessory dwellings. How can the town be considering this law when the public has not been provided with the specific definitions and their various restrictions for some of the proposed changes? Number two, if in fact the town of Tusten is intending to protect the rural character, then that character cannot possibly be maintained when there are options for accessory dwellings plus storage buildings and structures in what is termed a secondary front yard. If, for instance, each property were to choose the option of constructing an accessory dwelling in that cause an unsustainable increase in the amount of dwellings in the town of Tusten, which would certainly endanger the rural character. There was a reason that this town is a desirable place to live and visit. And that is because it is not completely overbuilt like suburbs. And it is not like New Jersey or Connecticut. Furthermore, the town would be creating an unacceptable burden for our volunteer fire department as well as the Volunteer Ambulance Corps. Is it truly reasonable to encourage the potential doubling of the number of dwellings in the town of Tusten? If we cannot provide the appropriately sized emergency services to match the demands at this time, the town's infrastructure is already seriously challenged with the demands of wear and tear on our roads and the ancient water and sewer systems that will need to be replaced, continually maintained and upgraded as necessary. Number three, we are extremely concerned about the addition of quote unquote private cemeteries to the allowable uses in so many districts. The town of Tusten has two large cemeteries that have been serving the community for many decades. Who is going to supervise the private cemeteries and make certain there are no health issues regarding the burial of human remains? In addition, it would be very skeptical of the marketability of a residential property that has a private cemetery within its bounds. Who would want to assume that kind of responsibility for the graves of someone else's family? Number four, there is absolutely no reason why our front yard needs to be broken up into a primary and secondary. If you actually want to maintain the rural character of the town of Tusten, then you would want to keep the front yard extending across the entire property, from boundary line to boundary line, as it has been today. If you were allowed various kinds of storage buildings in one's property secondary front yard, then you are imperiling the rural character of any neighboring property. If you were allowed storage containers or.

Supervisor Johnson [00:41:56] It's time to wrap up, you're at your time.

Tony Ritter [00:42:01] Excuse me, I'm speaking (inaudible). I'm speaking for my wife three minutes and myself. If you're allowed storage containers such as pods in any of our districts, you are certainly going to damage the rural character of our hamlet and our town. There are many options for a storage building, such as a garage or a shed. A pod will only undermine every aspect of our rural character. Would you be willing to invest in a home or a property if there is a pod next door? You know what I will. I will go on. I should be allowed to speak to my wife and myself, and that is exactly what I'm going to do. I will basically go on to. Will parking OK since parking has been a hot topic. Number six, with regard to the proposed proposal to waive the required parking for certain entities that do not have adequate parking space at this time, we already have far too many issues with the demands of parking in this town, and that is without the full occupancy of Main Street. Over four years ago, this town paid for an engineer and surveyor to draw up plans to improve the municipal parking lot on Main Street with better flow, improved ingress and egress widened the lot illumination for pedestrians and drivers. Nothing has been done then, except the removal of a few trees this past spring. Last summer, I was parked at the curb in front of the Narrowsburg post office, where there were cars double parked and a driver was yelling at me and I was parked legally when I was parked legally and picking up my mail. The Rasmussen building has been sold, the building area is three thousand square feet. The business model promises to house four or five retail stores, a restaurant, a brewery, luxury apartments upstairs. It has a spectacular view of the Delaware River in the rear. Unfortunately, it has no parking in the rear since it's situated on a drop off. There is no parking to the right side adjoining the municipal deck in the front of the building, adjoining the sidewalk in the building. There is room for six or seven cars and then I hear that your board is seriously entertaining the idea of moving the town hall and all of its functions town board meetings, planning board meetings, ZBA meetings, Justice Court, along with the civic functions for local organizations, which currently take place at the bottom level of the town building on Bridge Street across the street from the Rasmussen building. I'm going to finish up and the next number seven. In addition, with regard to the 35 foot building height that is proposed in many districts, as anyone working on this proposed law spoken with our fire department, does our fire department have the appropriate equipment to successfully fight a fire on a house that is that high? In closing, is the town of Tusten prepared to take responsibility for the far reaching and negative impacts of most of these proposed changes? I would strongly suggest my wife, we would certainly suggest that many provisions of the proposed law should be thoughtfully reconsidered and not be voted into law. And at a minimum, each of these specific concerns should be addressed by your board. Thank you.

Supervisor Johnson [00:45:27] Thank you, Tony.

Crystal Weston [00:45:31] And I don't see any other comment. Is there anybody on Zoom that wanted to make a comment that hasn't been called on before exploring? I don't see any hands or anything else.

Supervisor Johnson [00:46:01] Any comment from the board before the hearing is closed?

Jane Luchsinger [00:46:06] I have one.

Supervisor Johnson [00:46:11] is that Jane? I see you Jane go ahead.

Jane Luchsinger [00:46:13] OK, I would just like to, although Ben said it in the beginning of the public hearing, I also as chairman of the Zoning Committee, I am delighted that everybody took the time to review the proposal and make your comments. And this is a government process at its best. And you are all part of it and all of your comments will be considered. And I just want to say thank you.

Councilman McDonough [00:46:46] And I'll second that. You know, those comments are very informed and presented for the most part, dispassionately, you know, we're all in this together.

Supervisor Johnson [00:47:00] With that, I'll close the public hearing.

WITH NO FURTHER COMMENTS TO BE HEARD – Supervisor Bernard Johnson closed the Public Hearing at 7:06 PM

2 OPENING ITEMS

2.1 Call Meeting to order

Supervisor Bernard Johnson called the meeting to order at 7:08 PM

2.2 Pledge of allegiance

Supervisor Johnson led the pledge of allegiance.

2.3 Announcements – The Narrowsburg Water & Sewer Dept. will be flushing hydrants on April 25th & 26th 6:00am – Noon.

2.4 Payment of bills:

RESOLUTION # 60-2022

PAYMENT OF BILLS

On motion of Councilman Greg Triggs, seconded by Councilman Kevin McDonough, the following resolution was,

ADOPTED 4 AYES 0 NAYS 1 ABSTAIN (Supervisor Bernard Johnson)

RESOLVED that the bills, audited by Councilman Bruce Gettel & Councilman Kevin McDonough be paid as presented:

| FUND | Ck Disbursement Amt. | Voucher #'s |
|----------------------|----------------------|--|
| General | \$70,876.03 | 299-321 Late Bills: 223, 224, 226, 234, 235 |
| Highway | \$72,358.63 | 282-298 |
| Water | \$18,100.03 | 260-281, 323 Late Bills: 233, 224A, 227, 231 |
| Sewer | \$18,962.46 | 237-259, 322 Late Bills: |
| lighting dist | \$389.24 | Late Bills: 229 |
| escrow accts | \$97.50 | |
| TOTAL | \$180,783.89 | |

3 DIVISION REPORTS

3.1 **Highway** – *Submitted by Donald Neiger, Highway Superintendent*

- Used 1111.7 gal. of diesel fuel, 1005.4 gal was for highway and 106.3 was non-highway use.
- Used 212.3 gal of gas, 0 was highway; 212.3 was non-highway use.
- Patch holes on dirt and paved roads
- Removed trees in road way Cocheton Turnpike, Swamp Pond rd., Swamp Pond, Grassy Swamp, and Hankins.
- Cut trees for new street lights at “bank” 93 Main Street Parking Lot & FOR Lake Erie Bridge Project
- Work on water conditions on several roads.
- Repaired trucks after storms and started tp get the ready for summer work
- Out for a slippery road condition several times
- Repaired wash outs on dirt roads: Mahl’s Pond & Bear Run

3.2 **Water and Sewer**– *Submitted by NWS Dept & NWS Billing Office*

- Fire hydrant flushing is scheduled for the 25th and 26th of March.
- 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 March. Let several homeowners know about high water use.
- Septic tanks will resume being inspected and risers installed on the inlet and center of the tank.
- Attended a class provided by NYRWA and a First Aid/CPR certification.
- Koberlein pumped out sludge from dosing tanks.
- Finished the 2021 Annual Water Quality Report and distributed it to public locations around town and on the Town of Tusten website.
- Completed the annual water withdraw and flow certification reports for the NYDEC.
- Painted at Well #2 and floors at Well #1 and #3.
- Unloaded a chemical delivery from Slack.
- Completed one final meter read.
- Completed two mark-outs for dig requests.

- Removed sludge and weeds from sand bed #1.
- Scanned in all old maps and blueprints at the Union.
- Organized and did inventory on water and sewer fittings and tools.
- Rebuilt the caustic soda feed line at the sewer plant and replaced the barrel of caustic soda.

| NARROWSBURG WATER & SEWER | |
|---|--------------------|
| FINANCIAL REPORT FOR MARCH 2022 | |
| Narrowsburg Water | |
| Water Metered Rent | \$ 1,341.64 |
| Service Charge | \$ 35.00 |
| Water Penalty | \$ 56.22 |
| TOTAL RECEIVED | |
| | \$ 1,432.86 |
| Narrowsburg Sewer | |
| Sewer Rent | \$ 742.10 |
| Service Charge | \$ - |
| Sewer Penalty | \$ 132.06 |
| TOTAL RECEIVED | |
| | \$ 874.16 |
| GRAND TOTAL | |
| | \$ 2,307.02 |
| Jocelyn Strumpfler Water & Sewer Clerk | |

3.3 Building dept./ Code Enforcement- Submitted by Code Enforcement & Building Dept.

Town of Tusten Building Inspector's Report
MARCH 2022 Monthly Report

Construction Inspections – 25

Fire & Safety Inspections – 0

Complaint/Violation Inspections – 0

Certificate of Occupancy Issued – 3

Certificate of Compliance Issued – 9

Total New Permits Issued – 12

New Homes – 0

Accessory Building/Garage – 1

| | |
|------------------------------------|------------------------|
| Renovation/Alteration/Addition – 1 | Camping - 1 |
| Chimney/Fuel – 0 | |
| Acc Bldg Comm – 1 | New Comm Const – 0 |
| Ren/Alt – Comm Const - 1 | |
| Deck – 1 | Commercial Deck - 0 |
| Demolition Permit – 0 | Driveway Permit – 0 |
| Electrical –1 | Logging Permits – 0 |
| Mechanical – 0 | |
| Plumbing – 0 | Pool – 0 |
| | |
| Roof Replacement -0 | Roof Structure - 0 |
| Septic Permits – 4 | Sidewalk - 0 |
| Sign Permit – 1 | Solar Permit – 0 |
| Well – 0 | Flood Plain Permit - 0 |

Expired Permit Renewals – 2

Abstracts/Violation Search – 13

| | |
|--|--------------------------|
| Dangerous and Unsafe Building – 0 | |
| Complaints Received – 0 | Complaints Closed – 0 |
| Violations Issued – 0 | Violations Corrected – 0 |
| Previous Violations Closed/Corrected – 1 | Stop Work – 0 |

Monies collected by this office from March 1, 2022 to March 31, 2022 are \$4,298.70.

Respectfully,
 Jim P Crowley, Building Inspector
 JPC/js

3.4 Assessor – Submitted by Ken Baim, Sole Assessor

Assessor’s monthly report for March 2022

During the month of March, the Sullivan County Assessor’s Association had their regular monthly at Michael Angelo’s in Jeffersonville. There were no new outstanding topics from Department of Taxation at that time. It was mentioned that the new program for assessing (ACCES) being developed over the past several years was scrapped. There had been ongoing litigation for the past several months with the vendor doing this development. At this point Department of Taxation will be developing the replacement program in house with a time frame of two to three years. Continued discussion of Solar Farm Valuation was a big topic again. Some assessors have received requested information (me, Tusten) while some have had no response from certified return receipt requests. Others have yet to request the information. Ken Klein has received a solar valuation form from Walter Garigliano at IDA showing the value requested for use in 2022 and presumably for use in the ongoing Article 7 proceeding from 2021 on the solar farm grievance. At this point Attorney Klein is going forward to settle the Article 7. As the solar facility infrastructure is tax exempt for the 15-year period after its

inception, I really am finding it difficult to get excited over whatever value is placed on it. I do not believe that this will change the PILOT agreement or the amount Tusten receives annually.

The beginning of the month I did some preliminary work on the exemptions that are still received locally. Preparations for field work to gather data on new construction and changes for the 2022 roll was done with the later part of the month devoted to doing actual field work. We encountered more “ring doorbell systems” this year with the device on a tree yelling “Hello... Hello!! What are you doing on my property? I did not get notification for an appointment!” to which my response was I was there to check the data for assessment, I would not be touching anything, and I do not make appointments. You can watch us measure from your camera. As my abilities to walk on rough terrain have diminished, for the third year in a row, my cousin from Maryland has visited for two weeks and done the actual tape measuring of the buildings with Dot holding the stationary end. This allows me both hands to take pictures, draw the sketch and put measurements on the sketch. The operation seems to work out efficiently as everyone has their own part in it. Data collection is basically finished with only a few newly discovered items to verify.

Respectfully submitted,
Ken Baim, Sole Assessor

3.5 **Upper Delaware Council** – *Submitted by Susan Sullivan, Tusten UDC Rep. & read aloud at the meeting*

Upper Delaware Council State Funding Resolution

As you are aware, the UDC is in a fiscal crisis, with a recently completed in-depth study by Michael Crane, Assoc. finding that the UDC has approximately 8 years before it would again need to cut staff and would no longer be an effective functioning organization. Therefore, the UDC is asking its member Towns and Townships to pass a formal resolution in support of a Permanent Budget Line in the NY and PA State Budgets. These Resolutions will be included in our ongoing negotiation for operating funds from our member states. **The resolution is in New Business**

The Upper Delaware Council would appreciate your consideration of the enclosed “Resolution Supporting the Establishment of a Permanent Budget Line in the New York State/Commonwealth of Pennsylvania Budget for the Upper Delaware Council.”

We respectfully request that you send one official copy of the approved resolution to your respective governor immediately, and provide the UDC with a second official copy. We will collect all resolutions into a package to send with various attachments to various contacts within the Executive Branches and our state legislative representatives by certified mail.

UDC Litter sweep

Response has been wonderful. This cleanup of River Accesses and roads leading to the river happens in conjunction with Sullivan County’s Litter pluck. To participate with UDC, call 252-3022 Ask for Ashley or Kerry and ask to be added to the Tusten crew (or whatever Town/Township you live in) To join Litter

pluck, get in touch with Wanda Gangel/Narrowsburg Beautification Group. There's a Town crew on Saturday 4/23 and UDC Sunday 4/24.

You are also invited to clean your own roadside, and UDC will provide you with supplies. This effort continues from Earth Day 4/22 to 4/30. The Tusten Cocheton Parking Lot is the usual base of operations, and UDC is right across the street. Remember to get your T-Shirt. We are part of the solution!

NY DEC

Mike DeSarno, temporary DEC Representative announced that new Representative will be Jeff Rider, replacing Bill Rudge, who has retired.

Tusten Projects:

Kerry will be transmitting UDC approved packages for Big Eddy Brewing and 90 Main Street to NPS for final approval.

Upcoming Events

Cochecton/Damascus Bridge Closure Saturday 4/16 6:00AM to Mid-day and Sunday 4/17.

River & Shoreline Clean-up Grants are due 4/22/2022

3.6 Energy Committee – Submitted by Brandi Merolla and read aloud at the meeting

Tusten Energy Committee Report March 2022

Soft Plastic

Highway Superintendent Don Neiger told me that the old town building on The Flats will be demolished in May. He promised to empty all the bagged soft plastic from the building and deliver it all to the Weis loading dock area in Honesdale NOT to a landfill or transfer station.

To date, in Tusten, the TEC has collected over 10 tons of soft plastic for recycling.

LED Streetlights

Supervisor Johnson has been in talks with NYPA regarding the next phase of our Main St LED Streetlight pendant fixtures install as well as cobraheads in the Main St parking lot. The trees up in the parking lot have been removed with some trimming yet to be done in the back. Ben can update everyone further of the parking lot status.

Tusten H.O.R.S.E.

Operations: The TEC is planning to restart operations in May with local businesses dropping off food scraps initially with The Heron, The Blue Fox and The Laundrette.

Onsite Water: The TEC is planning to put **two 275-gallon totes** next to HORSE. The totes came with the HORSE unit. The Narrowsburg Fire Dept has agreed to fill the totes as needed, probably once a month. This will facilitate operations.

Probiotic Plant Food Marketing:

The TEC is working with Northeast Organic Farming Association of New York (NOFA-NY) as they test our product as organic for certification. The TEC is currently coming up with names for the plant food product. Councilman McDonough is taking the lead on the product name.

Higher Education:

The RIT Tusten HORSE case study continues. Interviews with the TEC were conducted this month. We are exploring SUNY Sullivan occupational possibilities for interns wanting to learn operations.

Community interest in touring the HORSE:

Onsite visits by local interested parties.

A local 4-H Club wants a tour in the spring.

Regional/global conferences:

[NYS Organics Summit, 4/6](#), TEC Jen Porter presented to a global audience about the Tusten HORSE.

NYSERDA's Clean Energy Communities Program

The TEC would like to apply for their grant of \$10,000. We'd like the town board to approve moving forward on the grant application. We have several major energy savings projects completed and now we'd like to gather our data and work with our former consultant Niklas Moran who has helped us tremendously in the past. Years ago, his services were paid for by NYS. The state no longer employs consultants, so we'd like permission to use no more than \$1,500 from the TEC's bank account from our past grants, to hire Niklas to submit this complicated data-based grant on behalf. We'd like the town board to approve moving forward with Niklas on the grant application.

In addition, I asked the Code Enforcer, copying the town board, if he would take the NYS free energy training course with the town getting \$10,000 for training completion. Prior objections to taking the training has been that the code enforcer said he would then be required to implement the Stretch Code. Now NYS no longer requires the town to adopt the code, just to learn it. The code enforcer wrote back to me that he was unable to attend.

Brandi Merolla, TEC Chair

April 10, 2022

3.7 Zoning Revision Committee –

Zoning Update/ revision Committee continues to meet twice a month, the 1st & 3rd Tuesday from 2pm – 4 pm;

ZUC has submitted Introductory Local Law NO 1 of 2022 "Zoning Amendments" to the Town Board - Public Hearing Held prior to the start of this meeting - NO further action has been taken by the Town Board at this time.

3.8 Grants Report- *Submitted by Deputy Supervisor Jane Luchsinger & read aloud at the meeting.*

1. Little Lake Erie Culvert – Only 1 bid was received for the culvert project. It came in a twice the estimated cost (\$1,000,000 over). The Town Board will reject the bid and re-advertise. Short time frame seemed to be the problem with the bidders.
2. Water infrastructure project – Still waiting to learn if we receive funding from the State Revolving fund.
3. We were rejected from the Sullivan County Plans and Progress grant for the bathroom on Main Street. They suggest we re-apply the next round and address some additional questions.
4. The UDC grant – The Zoning update committee continues to meet every 2 weeks.
5. Sullivan Renaissance – We have been awarded this \$20,000 grant to landscape Kirk Road.

3.9 Narrowsburg Water and Sewer Committee – *Submitted by Jane Luchsinger and read aloud*

April, 2022

The Committee met April 3, 2022. Results of the meeting follows:

Water

1. The Water/Sewer Committee requests the Town Board to approve the funds to clean the water tank at the same time as an inspection is performed.
2. Craig will seek quotes for inspection and cleaning.
3. Report of meeting with Supervisor, Deputy Supervisor, Delaware Engineering and RCAP. This meeting was held to develop a strategy for funding the upgrade of the system and resulted in the following:
 - a. We are waiting to learn if we received approval from the State Revolving Fund (SRF). If so, they fund 60% of the estimated cost of the upgrade.
 - b. The committee will request the Town Board to approve up to \$15,000 for Delaware Engineering to prepare the PER in the format required by the Federal Grants.
 - c. If we do not receive funding from the SRF, we will apply to the USDA in October.
4. The Water/Sewer Clerk will provide past billing data for RCAP to review.
5. A “zoom” meeting is scheduled to discuss funding with Homeland Securities. Because the water district is in the FEMA flood Zone, we are likely to qualify for funding.

Sewer

1. The sewer policy needs to be reviewed. Currently all customers are eligible for a pump out every 4 years. Some require this more frequently and are not billed.
2. Sewer rates will be reviewed. Meetings are scheduled for May 2,9 and 16 at 8am.
3. Dave Bunce will try to get comparison billing rates.

General

1. Applications for new water and sewer hook-ups will be reviewed.
2. Special procedure rates will be reviewed.

4 PUBLIC COMMENT

Comments were heard from the following individuals:

- Star Hess re: Litter Pluck & Clean up – would the county be accepting tires?
- Iris Helfeld re: Old Highway Barn on the flats – if it id being demolished what will be in place of it?
Will the public have a say?

NO further comments were made.

5 OLD BUSINESS

5.1 Lawn mowing/ Maintenance

Request for bidder was published in the Towns Official paper (River Reporter) to run for two weeks, Towns Facebook Page, & Website – No bids were received –grasses need to be cut.

RESOLUTION # 61-2022

HIRE LAWN MOWING & MAINTENANCE POSITION FOR 2022

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board hire Glen Swendson for the Lawn Mowing & Maintenance Position of the Tusten Properties for the 2022 Season beginning immediately thru the end of October, at a rate of \$35/ hour.

5.2 Gasoline bids

Request for bidder(s) was published in the Towns Official News Paper (River Reporter), Facebook & Website, No Bids received to date

The Town Board has directed the Town Clerk to publish this in the paper again- bids to be received by May 3rd & opened May 10th.

5.3 Highway Stone and Sand bids

Request for Bid (s) was published in the Towns Official Paper (River Reporter), Facebook Page & Website. The following bids were received:

SAND BIDS RECEIVED

STONE BIDS RECEIVED

RESOLUTION # 62-2022

AWARD STONE & SAND HIGHWAY BIDS

On motion of Supervisor Bernard Johnson, seconded by Councilman Greg Triggs, the following resolution was,

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board award the Highway Sand & Stone Bid to Deckleman upon recommendation of Don Neiger, Highway Superintendent at the following rates:

| STONE | | | |
|-------------------------|---------|---------------------------|---------|
| 1 A Aggregate | - | Wall Rock | - |
| 2A (crusher run) | \$12.25 | Bulk Wall Rock | - |
| 3A Aggregate | - | Manufactured Sand | \$17.75 |
| 6-S Washed | \$19.75 | AASHTO #8 | \$18.00 |
| AASHTO #1 | \$15.75 | B-Sand | \$18.50 |
| AASHTO #3 | \$15.75 | Gabions (R-3, R-4) | \$19.50 |
| AASHTO #57 | \$15.50 | Rip Rap (LSF) | \$20.50 |
| AASHTO #67 | - | Shot Rock | - |

| ANTI – SKID SAND Specifications | |
|--|---------------------------------|
| SIEVE SIZE | ANTI – SKID SAND Specifications |
| 3/8" | 100% |
| No. 50 | 10-40% |
| No. 200 | 0-5% |
| \$10.50 Per Ton | |

5.4 Lake Erie Culvert Bids

RESOLUTION # 59-2022

LITTLE LAKE ERIE CULVERT BID REJECTION

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

ADOPTED 5 AYES 0

RESOLVED that the Tusten Town Board hereby reject the bid (s) received for the Little Lake Erie Culvert Project and rebid the project upon recommendation of James M. Cummings, P.E. Managing Engineer1, of Schumaker Consulting Engineering & Land Surveying, D.P.C., based on the following provided:



April 11, 2022

Ms. Jane Luchsinger Deputy Supervisor Town of Tusten
 210 Bridge Street
 Narrowsburg, NY 12764

Re: Town of Tusten
 Main St. Culvert Bridge NY Project PIN 9754.85 March 2022 Bid Recommendation

Dear Ms. Luchsinger:

Shumaker Consulting Engineering and Land Surveying, D.P.C. (SCE) has analyzed the bids to address the following components in accordance with NYSDOT LAFAP Manual Chapter 14, Section 14.4 – Bid Analysis:

- Adequate advertisement requirements were met.
- The bids were opened on the date advertised.
- There was one (1) bidder on the contract. Bid was above engineers estimate and funding allocation, additional funding is not available.
- There are unbalanced items bid based on the verification of quantities.
- Our Engineer's Estimate (EE) was based on cost factors derived from the NYSDOT Pay Item Catalog and historic bid prices for similar projects, adjusted for any unusual conditions.
- There was a total of forty-eight (48) items where the low bidder's unit bid price was greater than 15% above the EE unit bid price. All the quantities for those items were reviewed for accuracy to identify any potential for significant quantity increases that might occur during construction. No major errors were discovered in the quantity workups or prices.

The low bidder's bid was 210% of the engineer's estimate. We have spoken to the one bidder (Rutledge Excavation) and also the one plan holder that did not bid on the project (Vacri Construction) . We believe the following factors may have attributed to only receiving one bid and that bid being well above the EE.

- The project was bid late in the year, with respect to when contractors look for work. The bidding time frame was driven by two factors; 1) obtaining the required Right Of Way (ROW), which was delayed due to the Yard Sale Property and 2) the NYSDOT's desire to have the project let (meaning the bids open) by March 31, 2022 so funding would be allocated under the State 2021-22 Fiscal year. Many contractors have their schedules full by the time this project was put out to bid.
- We believe the contractor who submitted the bid may not be familiar with NYSDOT items.
- We believe the contractor who did submit a bid may not be as familiar with this type of work, especially the temporary structure as other contractors.
- The current construction environment has long lead times for precast concrete structures in it and contractors are weary of project schedules that do not have flexibility for this factor.
- The Town's remote location, makes it more difficult and costly for some contractors to staff the project.
- Lingering impacts relating to the COVID pandemic on labor and material availability and costs.

Based on the above SCE cannot recommend that the bid be accepted and awarded. Our recommendation is that the Town reject the bid and rebid the project later this year.

Our recommendations for rebidding and attracting more bidders are:

- Make the project plans available through an online digital plan room. This will make them more readily available which will allow more contractors to consider the project.
- Readvertise in the month of August and allow at least 4 weeks for bidding.
- Plan for construction to start in the spring of 2023 and substantially completed by Dec. 31 2023. This along with the bidding time frame will accommodate any precast lead times.
- Advertise in the State Contract Reporter (required by NYSDOT), the official Town Paper and the Town Web page and Facebook Page. We also recommend contacting the regional contractor's association to alert them to the project.
- We recommend the EE be updated right before the project is rebid to account for any continued volatility in prices.

Since SCE's contract only included the original project bidding, we will require additional compensation to assist with the rebidding of this project. We will provide you a proposal in the coming weeks.

We have enclosed the bid tabulation for the Town's review.

Please contact this office, if you have questions or need additional information. Very truly yours,

SHUMAKER CONSULTING ENGINEERING & LAND SURVEYING, D.P.C.



James M. Cummings, P.E.
Managing Engineer 1

5.5 Narrowsburg Water Tower

RESOLUTION #63-2022

WATER TOWER TANK INSPECTION

On motion of Deputy Supervisor Jane Luchsinger, seconded by Councilman Bruce Gettel, the following resolution was,

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board Hire Atlantic Underwater Services & accept the quote received for a Basic Tank Inspection of \$4,800.00 upon recommendation of the NWS Interim Superintendent David Bunce; The following quotes were received and reviewed as per the Towns Procurement Policy:

- Pittsburgh Tank & Tower Inspection \$3,065.00 \$Clean out 4,310.00
- Underwater Solutions Inspection & Sentiment removal \$3,890.00
- Atlantic Underwater Services Basic Tank Inspection \$1,800.00

5.6 Municode agreement

RESOLUTION # 64-2022

MUNICODE CONTRACT AGREEMENT WEB HOSTING

On motion of Supervisor Bernard Johnson, seconded by Councilman Greg Triggs, the following resolution was,

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board authorize Town Clerk to enter into contract with Municode for Website Creation, Hosting & Management.

5.7 TV Display purchase

RESOLUTION #65-2022

TV DISPLAY & CAMERA PURCHASE APPROVAL

On motion of Supervisor Jane Luchsinger, seconded by Councilman Greg Triggs, the following resolution was,

ADOPTED 5 YAES 0 NAYS

RESOLVED that the Town Board hereby authorize the purchase of a TV, TV stand & Camera for Town meetings as per the procurement policy.

5.8 Tusten Energy Committee

RESOLUTION #66-2022

AUTHORIZATION TO HIRE NICHOLAS MORAN

On motion of Deputy Supervisor Jane Luchsinger, seconded by Councilman Kevin McDonough, the following resolution was,

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Tusten Energy Committee be hereby authorized to hire Nicholas Moran for an amount not to exceed \$1,500.00 to assist with a NYSEDA Grant & Benchmarking for Tusten.

6 **NEW BUSINESS**

6.1 **Municipal Cleanup Day**

RESOLUTION #67-2022

MUNICIPAL CLEAN UP

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town of Tusten Cleanup Day be hereby set for Saturday May 14, 2022 9 am – 2 pm; No tires will be accepted;

BE IT FURTHER RESOLVED that the Town Board authorize the Town Supervisor to enter into contract with Sull Co.

6.2 **Liquor License/waiver 182 Bridge St**

RESOLUTION #68-2022

LIQUOR LICENSE WAIVER 182 BRIDGE ST

On motion of Deputy Supervisor Jane Luchsinger, seconded by Councilman Kevin McDonough, the following resolution was,

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town of Tusten acknowledges that a new Application for an On-Premises Alcoholic Beverage license is being filed by 182 Bridge Street LLC, Hotel, Restaurant and Inn located at 182 Bridge Street, Narrowsburg NY 12764. In this instance the Town of Tusten waives its rights to the 30-day hold and consents to the processing and issuance of said license.

6.3 **DVAA lease extension**

RESOLUTION # 69-2022

DVAA LEASE EXTENSION

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

ADOPTED 4 AYES 0 NAYS 1 ABSTAIN (Councilman Greg Triggs)

RESOLVED that The Town of Tusten hereby extend the lease agreement with the DVAA to 2029 to allow for them to seek sources of funding.

6.4 **River Cleanup grant (4/22)**

No action taken at this time.

6.5 93 Main St Survey parking lot

No action taken at this time.

6.6 Frontier Phone lines/Internet

RESOLUTION #70-2022

FRONTIER CONTRACT FOR PHONE & INTERNET

On motion of Councilman Kevin McDonough, seconded by Councilman Greg Triggs, the following resolution was,

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board hereby authorize the Town Supervisor to sign & enter into contract with Frontier for Phone, Internet & Maintenance Services.

6.7 Post meeting dates for S/W committee meetings

Sewer & Water Committee shall be meeting on May 9 & May 16 at 8:00 am.

6.8 UDC budget resolution

RESOLUTION # 71-2022

SUPPORTING THE ESTABLISHMENT OF A PERMANENT BUDGET LINE IN THE NEW YORK STATE BUDGET FOR THE UPPER DELAWARE COUNCIL

On motion of Deputy Supervisor Jane Luchsinger, seconded by Councilman Greg Triggs, the following resolution was,

ADOPTED 5 AYES 0 NAYS

WHEREAS, the Town of Tusten is one of eight New York towns (with a combined population of 20,624) included in the 1978 federal designation of the Upper Delaware Scenic and Recreational River, a 73.4-mile component of the National Wild and Scenic River Systems, and is an actively participating member of the Upper Delaware Council; and

WHEREAS, the Upper Delaware Council was created in 1988 to oversee administration of the *River Management Plan for the Upper Delaware Scenic and Recreational River* and has successfully managed the unique federal-states-local governments partnership for 34 years; and

WHEREAS, the operational budget of the Upper Delaware Council was PLANNED at \$300,000 federally and \$100,000 each from the State of New York and the Commonwealth of Pennsylvania, but the \$100,000 annual funding from the State of New York has never been fulfilled; and

WHEREAS, an independent audit of the Upper Delaware Council's fiscal situation calculates that the financial atrophy will render effective operations impossible within a short timeframe, due to neither state honoring its anticipated cost-shares and the federal government having failed to increase the 1988 funding level of \$300,000 which has been diminished by inflation; and

WHEREAS, the Upper Delaware River Corridor has been ably conserved and protected for more than three decades through the stewardship of the Upper Delaware Council and its partners, sparing the State of New

York the expense of managing this valuable resource, an important regional economic engine and recreational resource of national significance.

NOW THEREFORE, the Town of Tusten does RESOLVE as follows:

The Town of Tusten does urge the Governor of the State of New York to create a budget line in the New York State Budget funding the Upper Delaware Council to the extent of \$100,000 in 2022 and a permanent budget line in succeeding years to enable the Upper Delaware Council to fulfill the goals and obligations required through the enabling legislation for the Upper Delaware Scenic and Recreational River which New York State agreed to uphold; and

FURTHER, be it resolved that a copy of this Resolution shall be sent to Governor Kathy Hochul and to the Legislative members serving the river corridor.

6.9 Zoning Fee Schedule - Tabled

6.10 Set date for public hearing, to hear public comment on fate of 93 Main St and 210 Bridge St

On May 3, 2022 at 6:30 PM The Town Board will hear those that wish to voice their input as to the use(s) & / or action(s) for 93 Main Street, Narrowsburg.

6.11 Tusten Parking Committee

Councilman Bruce Gettel & Councilman Kevin McDonough shall be on the Parking Committee

First Meeting shall be April 26, 2022 at 5:00 PM

6.12 water and sewer budget transfer (2021)

RESOLUTION #72-2022

2021 WATER SEWER BUDGET TRANSFER

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

ADOPTED 5 AYES 0 NAYS

RESOLVED That the Town Board Approve the Budget Transfer as presented:

| | | |
|------------------------|----------|-----------|
| Increase Personal Svcs | SW 83101 | \$7118.00 |
| Decrease Health ins | SW90608 | \$7118.00 |

6.13 additional funds to contract for consultant Peter Manning

RESOLUTION # 73-2022

AMEND CONTRACT WITH GENIUS LOCI TO INCREASE FUNDS

On motion of Deputy Supervisor Jane Luchsinger, seconded by Councilman Greg Triggs, the following resolution was,

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board authorize The Supervisor to Sign the Amendment to the Contract with Genius Loci Planning to Increase the funds by an additional \$1000.00.

6.14 Budget modification for unallocated insurance

RESOLUTION #74-2022

AUTHORIZE BUDGET MODIFICATION

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board authorize the following budget modifications:

| | | |
|----------------------|---------|------------|
| Increase Unallocated | A1910.4 | \$5,721.00 |
| Decrease Contingency | A1990.4 | \$5721.00 |

6.15 Riverfest Road Closure

RESOLUTION #75 -2022

RIVERFEST ROAD CLOSURE AUTHORIZATION

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board authorize the closure of Main Street from the interstate bridge to the post office on July 24, 2022 from 10:00 am – 4:00 pm.

7 PUBLIC COMMENT

- Vicki HARRIS re: River Cleanup
Susan Sullivan clarified questions.
- Brandi Merolla

8 CLOSING ITEMS

8.1 Board Comment

No further comments were made.

8.2 Adjournment/Recess

With no further business to be had a motion was made by Supervisor Bernard Johnson, seconded by Councilman Greg Triggs, all in favor. The meeting closed at 8:20 PM.

Respectively Submitted
Crystal Weston, Town Clerk