



Town of Tusten Town Board
Regular Meeting Minutes
June 9, 2020
6:30 PM

Supervisor Bernard Johnson	Present
Deputy Supervisor Jane Luchsinger	Present
Councilwoman Jill Padua	Present
Councilman Bruce Gettel	Present
Councilwoman Jill Padua	Present
Other Present: Crystal Weston, Town Clerk; David Bunce, NWS Interim Superintendent; Susan Sullivan, UDC Tusten Rep.; Perter DeAngelis, Iris Helfeld, Mary Bermudez, Jennifer Bitetto.	

1 OPENING ITEMS

1.1 Call Meeting to Order

Supervisor Bernard Johnson called the meeting to order at 6: 30 PM

1.2 Pledge of allegiance

Supervisor Bernard Johnson led the pledge of allegiance

1.3 Announcements - Supervisor Bernard Johnson read the following:

- Hydrant Flushing June 16 & 17
- Litter Pluck & Garden Swap this Saturday
- Census, please fill it out

1.4 Correspondence

- Star Hesse re: Property SBL 5-9.12
- Janet Burgan re: donation

1.5 Payment of Bills

RESOLUTION # 81-2020

PAYMENT OF BILLS

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

ADOPTED AYES NAYS

RESOLVED, that the bills be paid as presented:

May 2020 Report

Fund Acct	Ck Acct Disburse	Vouchers
General	\$99,778.17	559-578
		505, 51, 512
Highway	\$43,554.98	543-558,553
		507, 510
Water	\$31,853.57	518-526, 539, 541, 579, 580
		515, 503, 508, 514
Sewer	\$17,134.51	527-538, 540,581, 582, 542
		438, 504,506,509, 513
Light Dist	\$869.47	517, 516
TOTAL	\$193,190.70	

2 **DIVISION REPORTS** - Supervisor Bernard Johnson read the following reports aloud

2.1 Highway - May 2020

- Used 489 gal of diesel fuel; 384 gal was for highway and 105 gal was non-highway use.
- Used 200.3 gal of gas; 31 gal was highway and 169.3 gal was non-highway use.
- Patched holes on dirt and paved roads.
- Stock piled stone for summer use.
- Mowed right of ways along roads.
- Cut trees in Beaver Brook area and around town.
- Installed dog signs around town.
- Stock piled sand for next winter.
- Prepared roads for paving this summer.
- Replaced pipes on Gables road.

2.2 Water & Sewer

Financial Report for May 2020

Water Metered Rent	\$4,999.09	
Unmetered Water Sale	\$0.00	
Service Charge	\$41.50	
Water Penalty	\$54.16	
	Total Water Dept	\$5,094.75
Sewer Rent	\$15,168.65	
Service Charge	\$1.50	
Sewer Penalty	\$156.92	
	Total Sewer Dept	\$15,327.07
	Grand Total	\$20,421.82

Monthly Report for May 2020

- Continued cleaning and organizing the warehouse.
- Continued removing old sand from sand bed #2.
- Brought in new sand and finished adding new layer of filter sand.
- Started removing stones from around the distribution boxes in sand bed #2 for washing.
- Built a washing box for rocks.
- Installed one new water meter.
- Reinstalled meters at 1 house.
- Brought barrel of caustic soda from Well #1 to the sewer plant and installed, twice this month.
- Cleaned and organized tractor shed.
- Pumped 6 septic tanks.
- Dug up septic tank on Oak St to figure out homeowners' septic problems. Found the effluent cleanout broken which allowed dirt and water into the pipe. Fixed and had septic tank pumped out.
- Started removing sludge from sand bed #1.
- Did one final meter reading for a house that sold.
- Koberlein cleaned and pumped the dosing tanks at the sewer plant.
- Unloaded four barrels of caustic soda from a Slack Chemical delivery at Well #1.
- Picked up zero turn mower and weed whackers to use for mowing the wells to free up tractor for work at the sewer plant.

- Responded to two after hour alarms at the Kirk Rd pump station. Manually pumped down tank and reset the panel.
- Cleaned and organized shop put in new shelves due to running out of space for parts and tools.
- Mowed sewer plant and wells.
- Exercised generators.
- Removed rust and painted curb valve caps
- Scheduled online training for Mueller Hydrants on June 30
- Recap on Hydrant project Estimate cost was \$42,011.80

Actual cost was \$26,581.77

Savings of \$15,430.03

Reminder of hydrant flushing on June 16 and 17 from 6:00am to 12:00 noon

2.3 Building Department/ Code Enforcement

Town of Tusten Building Inspector's Report

MAY 2020 Monthly Report

Construction Inspections – 25

Fire & Safety Inspections – 1

Complaint/Violation Inspections - 0

Certificate of Occupancy – 2

Certificate of Compliance –9

Building Permits – 13

New Homes – 0

Accessory Building/Garage – 2

Renovation/Alteration/Addition – 0

Camping - 0

Chimney/Fuel – 1

Accessory Building Commercial - 0

New Commercial Construction – 0

Renovation/Alteration – Commercial Construction - 0

Deck - 4

Demolition Permit - 0

Driveway Permit – 0

Electrical – 2

Logging Permits – 0

Mechanical - 0

Permit Renewals – 0

Pool – 0

Roof Replacement – 1

Roof Structure - 0
Septic Permits – 2
Sidewalk - 0
Sign Permit – 0
Solar Permit – 0
Well - 0
Flood Plain Permit - 1

C/O and violation search – 8

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 May 1, 2020 to May 31, 2020 are \$2,058.80.

Building Inspector and Clerk attended webinar on 2020 Advanced In-Service Part 1 on May 7, 2020 and attended webinar on 2020 Residential Energy Code Overview and Electrical Energy Storage Systems for Residential Occupancies on May 20, 2020.

Respectfully,
Jim P Crowley, Building Inspector
JPC/js

2.4 Assessor

During the month of May the tentative roll was posted both in written and on-line form. In May the assessor sits with the tentative tax roll four times for four hours each. This was done by phone and was very slow. Calls were none to minimal.

Correspondence with a couple of taxpayers over assessed values were done by multiple emails. One resulted in an agreement between the assessor and taxpayer and a stipulation was presented to the grievance board. The other resulted in a grievance being presented in front of the board. There were two grievances presented by a tax reduction service requesting the market value and the assessment both be reduced to \$1,000. A mock type appraisal was done by computer and also by the same tax service and presented as evidence. This in my opinion is a conflict of interest as any reduction achieved by the appraisal ultimately will benefit the appraiser/representative. I have been successful during small claims court in getting some other cases thrown out when they were presented by another company that had a relationship between the appraiser and the representative. I will have to rework

these appraisals to show that the assessment is justified. I tried to emphasize to the grievance board that the appraisals presented have underlying factors that need careful consideration. The pretty pictures do not often tell an accurate story. The board was able to hear the cases and stipulations easily within about an hour and a half so the four hours proved to be adequate for our cases. Number was about on par with previous several years and was generally well handled on ZOOM. Our thanks to Crystal Weston for pulling up each grievance as we reviewed them. Interestingly there was a grievance from Homelands Farms for Delaware Solar. The assessment was equalized from the construction costs stated on their exemption form and apportioned to the two parcels. Now Delaware Solar is requesting the use of NYSERDA valuation for assessment purposes. During our preliminary Solar stages, it was determined that NYSERDA values were definitely not good for taxing purposes and that emphasis was clearly on profit for the investors. I asked around and found our assessment was in line with other systems and a general consensus that NYSERDA was unusable for assessment purposes. Delaware Solar placed two similar cases in the Town of Delaware and the last I heard they too were under recommendation to be denied. I recommended denial to our board. Adjudication has not been completed at this time, so I am waiting to see the grievance results.

Deed processing has been at a minimum since April as the Government Center has been closed to foot traffic and many transactions are sitting on hold.

Ken Baim
Sole Assessor

Upper Delaware Council - report received but not read aloud at the meeting:
Town of Tusten TAG grant for Zoning Rewrite;

Jennifer Cluster, NPS Land Use Planner, offered to meet with the Zoning committee, but no one responded to her offer. Laurie Ramie reached out to Peter Manning and Jane L at the end of March and at the end of May. I hope that there has been communication between Town of Tusten, Consultant, and UDC/NPS. Can't emphasize how important communication is.

Ten Mile River Closure of Trailered Boat Access

A strongly worked letter asking NPS to rescind this restriction was discussed at WURM committee and the full Council approved sending it.

Proposed River Management Amendment process to include Commercial Solar criteria;

The Council approved a letter to Town Supervisors requesting input from them as elected representative of their Town/Township. The letter goes on to describe the

steps taken thus far, and what steps need to happen to include this new land use in the RMP's Land and Water Use Guidelines. It is NOT A VOTE. Its a straw poll. The Council really needs input to know how to proceed. To the best of my knowledge, there is no conflict between UDC's Position Paper, and Tusten's Zoning, and therefore we would have no reason to object to including the Position paper in the RMP

NPS Superintendent is in place.

UDC still looking for land use specialist

Litter pluck UDC has bags vests, etc. free for taking.

NYDEC has sent information on the trout fishery, which I will forward to all of you separately.

2.5 Energy Committee – May report read aloud by Councilwoman Brandi Merolla

June 1, 2020 - HORSE location meeting at the Town High-way Barn

In attendance: Don Neiger, Jen and Scott Porter, Brandi Merolla, Sean Harrington, Michael Smith and Jan Allen in Seattle.

Don suggested 2 locations that he felt would work for the HORSE:

1. Next to the solar array. Positives: Level ground, next to another sustainable Tusten project, near a hose for cleanup maintenance.
2. Near the parking lot next to highway outbuilding and school bus parking. Positives: Near an electrical box to connect to an outbuilding, out of the way of traffic coming and going to the highway barn, level ground.

The HORSE unit is 8'x23'. Pad will be 14'x26'.

Requires a basic envelope around the HORSE for winter snow with a sliding door for access and metal roof and 1 door for operators.

Scott to talk to Ben Johnson and Jim Crowley to understand if we need to put electrical work out to bid in an RFP.

Scott to talk to Billy DePhillipo, owner of the Tusten Solar Array, to see if we can connect the 2 projects.

June 4, 2020

Scott Porter meets with Don Neiger, Jim Crowley and Ben Johnson at the town highway barn. Jim advised the town that the HORSE shouldn't be located near the solar array for a number of reasons. Therefore, the location has been decided upon will be in the highway barn parking lot behind the old barn near the school bus parking.

Scott spoke with Billy DePhillipo and there is no way to connect the 2 projects.

June 5, 2020- TEC Meeting

In attendance: Jennifer Porter, Scott Porter, Brandi Merolla, Coryanne Mansell, Star Hesse.

1. Updates on Timeline (Jen)

SEQR has been completed, 1/2 the cost of the HORSE unit has been sent to the makers in the form of a town check, a copy of that check and delivery receipt was sent to the DEC for a full reimbursement within 30 days, HORSE to begin being built for mid-September delivery.

2. Operations/On Site (Scott)

Scott reported on his meeting with Jim, Ben and Don and our chosen location will provide us with running electrical from the existing old barn to the HORSE rather than digging a 150' trench. We can shelter the unit by attaching a connective structure to the back of the old barn to protect it from winter weather.

Scott has all the specs for the pad, electric and shelter to put out to bid. Jim recommends a single contractor do all services to streamline the project.

3. Business & Food Donation Outreach (Cory)

Cory will begin training participating restaurants and food merchants in late July or early August either in person or remotely. She can estimate how many buckets we should supply each business based on her calculating how much trash they ordinarily create.

Buckets will be donated to the TEC from Boars head complete with handles, lids, UV and food-grade thickness.

4. Farmer's Market (Brandi)

Jen, Brandi and Brendan Weiden met at The Union and secured a FREE spot starting in August to set up an informational HORSE tent where Naomi & Catherine will hand out flyers and answer questions about food scrap collection near the "Victory Garden" in the front of The Union, on the lawn near the sidewalk.

5. Market Development for Probiotic Plant Food

The TEC agreed to put info on social media and on the Town of Tusten website about the HORSE and food waste in our country. Flyers are now being revised.

Soft Plastic collected total to date in Tusten is **3,668 pounds approaching 2 tons!** We are currently storing collected soft plastic in a town warehouse until the TREX program resumes due to COVID-19.

LED Streetlights

Supervisor Ben Johnson signed a contract to proceed with NYPA for our LED streetlight installation. We are currently in a holding pattern to begin replacing all town streetlights with energy saving town owned LEDs.

Brandi Merolla

Chair TEC/ Town Councilwoman

June 7, 2020

2.6 Zoning Re-Write Committee - no report received at this time.

2.7 Grants - report given by Deputy Supervisor Jane Luchsinger:

- **Comprehensive Plan (UDC Grant)** - Committee recently reviewed the implementation schedule from 2007 and reviewed draft of the historical portion, the cultural portion, and then recreational resource.
- **Little Lake Erie Culvert** - estimating that the cost will be increasing approximately \$48,000.00
- **Delaware Engineering** - preliminary water reports have been obtained with the help of David Bunce
- **Roof Grant** - see 'Old Business'

3 PUBLIC COMMENT

- Ed Krause comment re: ATV's on the flats
- Starr Hesse comment re: comment section on agenda
- Iris Helfeld- Sign re: dog walking/ leash law & picking up behind their dog
- Deputy Supervisor Jane Luchsinger - Suggested a welcoming letter to Air B&B owners for their renters ... Councilwoman Jill Padua volunteered to work on something.
- Jennifer - Comment re: dogs on the flats

4 OLD BUSINESS

4.1 Set Public Hearing Re: Parking Law for July 14, 2020 at 6:15 pm

RESOLUTION # 82-2020

INTRODUCING LOCAL LAW AND PROVIDING FOR PUBLIC NOTICE & HEARING

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

ADOPTED 5 AYES, 0 NAYS

BE IT RESOLVED, that an introductory Local Law, titled A Local Law to Amend Chapter 255 by Prohibiting Parking on Bridge Street be and hereby is introduced before the Town Board of the Town of Tusten, County of Sullivan, State of New York; and it is further

RESOLVED that the proposed local law is a Type II action under SEQRA and can be considered without further review; and it is further

RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each Town Board member; and it is further

RESOLVED that the proposed local law is hereby referred to the Sullivan County Division of Planning, Community Development and Real Property for review pursuant to GML '239; and it is further

RESOLVED that the Town Board shall hold a public hearing on said proposed local law at the Tusten Community Hall, 210 Bridge Street, Narrowsburg, New York and on Zoom, at 6:15 p.m., on July 14, 2020; and it is further

RESOLVED that the Town Clerk shall publish or cause to be published a public notice in the official newspaper of the Town of Tusten no later than ten (10) days prior thereto.

4.2 Wayne Bank Parking Lot re: How to Proceed – Councilwoman Jill Padua continues to work on this

4.3 ATV's - Supervisor Bernard Johnson has spoken with the NYS Police and is hopeful for increase enforcement

4.4 Town Building re: Purchase & Installation of Office Doors – in progress

4.5 Water Sewer Purchase

Received 3 Quotes as per the Procurement Policy

Company	Cost	Memo
CUSI	\$1,200.00	Annual FEE
	\$5,500.00	Initial Cost
Black mountain	\$1,910.00	Annual Fee
	\$8,400.00	Total *Town would need to do own data conversion
BS & A	\$21,995.00	

RESOLUTION # 83-2020

PURCHASE OF UTILITY BILLING SOFTWARE

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 hereby approve the purchase of the new utility billing software with CUSI on recommendation of David Bunce, NWS Interim Superintendent.

4.6 Veterans Park re: Fire Dept Safety Access & Gate

Supervisor Bernard Johnson read the following aloud:



Meeting Notes: June 6, 2020

Subject: Main Street Riverside Building Emergency Plan

Present: Art Hawker, Narrowsburg Fire Department

Steve Gregoretti, Building owner

Ron Santo, Building owner

Jane Luchsinger, Tusten Deputy Supervisor

The above group met to discuss the emergency plan the Narrowsburg FD currently has in place with regards to Main St riverside buildings north of the deck. Property owners were unaware, and relieved, to learn of the existing fire hydrant on Bridge St, located between Tres Amici restaurant and the building (former dentist office) owned by Steve Gregoretti.

A lengthy discussion was had regarding access to the rear of the buildings. Art thought 2 small pump trucks were able to fit under the bridge but Steve questioned the height of the bridge as it may have changed with the recent bridge construction.

Steve felt the addition of a roadside chain at the entrance of Veterans' Park sends a negative message to visitors regardless of the fact that the chain was added to assure a path under the bridge to the rear of the buildings in the case of an emergency.

POSSIBLE SOLUTION: pave a roadway from Main Street to under the bridge and clearly mark it as "FIRE LANE." Designate as many parking spaces as possible in remaining space, while still maintaining emergency vehicle passage under the bridge.

ACTION PLAN:

Fire Department

1. The Fire Department will measure the opening under the bridge to determine if passage of the pump truck(s) is still possible.

2. The Fire Department will do a mock turn around with the appropriate vehicle to determine how much space is needed to complete the turn.

Town responsibility

3. If available, remaining space may be delineated as parking space(s).
4. The chain may be moved to under the bridge, allowing visitors access to the newly created parking.
5. Investigate the possibility to pave an official "Fire Lane"
6. The border of the adjacent property owner will be reviewed to see if parking may be added on that border.
7. Jane will share meeting notes with Town Board members.

Additional information:

Steve recently had a large propane tank buried underground which eliminated numerous tanks above ground. Gas usage by tenants will be metered and billed directly. He informed us that the construction was completed by Modern Gas Company in PA at no cost to him. This may be a model other Main Street building owners may consider thereby removing above ground propane tanks.

4.7 Star Hesse Letter - Supervisor Johnson suggested a zoom meeting with Star Hesse, himself and the Town Attorney

4.8 Open Bid received re: Town Hall Roof

Four Companies did attend the mandatory walkthrough - Only one Bid has been received:

Reeves Mountain Construction:

Main Roof: \$ 185,810.00

Item #1: \$11,428.00

Item # 2: \$33,419.00

Item #3: \$33.00

4.9 Award / Reject BID Town Hall Roof

RESOLUTION # 84-2020

AWARD ROOF BID

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 hereby award Reeves Mountain Construction the job for the Main Roof in the amount of \$ 185,810.00, Items # 1 & 2 may be later accepted at the board's discretion, Item # 3 shall be awarded as the project moves forward.

4.10 H.O.R.S.E. re: Location & electric - Mid- September is the anticipated date of arrival, requesting authorization to put together an RFP to go out to bid for the pad required for the H.O.R.S.E.

Supervisor Bernard Johnson suggested the town look at obtaining an Engineer for the town to review and possibly prepare RFP's for the town - also being able to speak with someone who can quickly and accurately tell "us" what we need to be up to code when receiving specs such as that which we have received regarding the H.O.R.S.E.

Supervisor Johnson put forth a motion that we be able to put a Bid out based on the specifications for the H.O.R.S.E. or wait to look for an Engineer that could assist with these specifications to ensure that the Town is going about this the right way. The Town Board unanimously agreed to hold off until they are able to find or gather further information regarding the specifications to create the "pad"

Town Attorney E. Danielle Jose-Decker has left a message with the attorney to the Town of Hudson NY to answer a few questions the town has as well.

Supervisor shall bring forth a few names of engineers for the Councilmembers to review at the next meeting.

4.11 Accept Donation

RESOLUTION # 85-2020

ACCEPCT DONATION FROM JANET BURGAN

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board hereby accept a donation from Janet Burgan the amount of \$175.00, monies "collected from people who were at the Narrowsburg nonviolent Protests on June 1 and 2." to help with "cost incurred from both cleaning up debris & removing a sign chained to the bridge last week".

4.12 Little Lake Erie Culvert Project: Estimated Start Date: unknown

5 NEW BUSINESS

5.1 Phase 2: Approving the expansion of outdoor areas of restaurants/ bars for reopening

RESOLUTION # 86-2020

APPROVING THE EXPANSION OF OUTDOOR AREAS OF RESTAURANTS /BARS FOR REOPENING

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

ADOPTED 5 AYES 0 NAYS

WHEREAS, pursuant to the Governor's order, effective Thursday, June 4, 2020, all State Liquor Authority (hereinafter "SLA") licensees in regions that have entered phase 2 of reopening and which have on-premises service privileges under the Alcoholic Beverage Control Law (hereinafter "ABC Law") may resume outdoor, on-premises service of alcoholic beverages and/or food, subject to the Guidance of the SLA; and

WHEREAS, pursuant to the SLA Guidance, however, a licensee may, for the duration that the Guidance remains in effect, use any contiguous outdoor, open-air part of its existing premises for which it has control by deed, lease, management agreement, or other agreement of control; and

WHEREAS, if a licensee's existing license operates with stipulations restricting the use of outdoor areas, through a municipality or other entity, such licensee must submit a letter from such stipulating municipality or other entity approving such additional outdoor use of premises; and

WHEREAS, any licensee that expands its premises pursuant to the immediately foregoing paragraph is required to submit an updated diagram to the SLA, within five (5) days of doing do.

NOW THEREFORE BE IT RESOLVED:

1) That the Town Board of the Town of Tusten by this resolution approves of the expansion of any contiguous outdoor, open-air part of a bar or restaurant's existing premises for which it has control by deed, lease, management agreement, or other agreement of control, subject to the SLA Guidance and all other applicable New York State laws, rules, regulations and executive orders; and

2) That the Town Board of the Town of Tusten hereby authorizes the Town Clerk to promptly issue any requested letters stipulating/approving such expanded outdoor use of premises of bars and restaurants promptly upon request.

5.2 Go out to BID for Gutters for Town Hall building – Table to recessed Meeting

5.3 Go out to BID for painting of the fascia on Town Hall building – Table to recessed Meeting

5.4 Go out to BID for ADA complaint side walk sections

RESOLUTION #87-2020

AUTHORIZATION TO GO OUT TO BID

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board of The Town of Tusten hereby authorize the Highway Superintendent to put together a quote or bid for the sidewalk on Main Street making it ADA compliant; whereas the Highway Superintendent choose to create/go out to bid, the Town Clerk is hereby authorized to place the bid spec in the paper & open the bids on Friday, July 10, 2020; Whereas the Highway Superintendent has any issues in moving forward with this, the board will then hold off until the Town can obtain an engineers services.

5.5 Lang Enviroventures re: porta Jon

Lang Enviroventures would like to donate a porta Jon for the summer months on the playground.

RESOLUTION # 88-2020

ACCEPT DONATION FROM ENVIROVENTURES

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

ADOPTED 4 AYES 0 NAYS 1 ABSTAIN (Councilwoman Brandi Merolla)

RESOLVED that the Town Board hereby accept the donation from Land Enviroventure for a Porta Potty on the playground for the summer months at no cost to the town.

6 PUBLIC COMMENT

See the Official transcript for comments

7 CLOSING ITEMS

7.1 Board Comment

See the Official transcript for comments

7.2 Adjournment

Motion made by Supervisor Bernard Johnson, seconded by Councilwoman Brandi Merolla that the meeting shall be recessed to June 23, 2020 at 6:30 PM. All in favor.