



**TOWN OF TUSTEN  
TOWN BOARD**

**Public Hearing and Workshop Minutes  
August 2, 2022  
6:30 PM**

**Venue:** Tusten Town Community Hall \* Zoom ID [890 1678 4280](#)

PRESENT	Supervisor Bernard Johnson Deputy Supervisor Jane Luchsinger Councilman Bruce Gettel Councilman Kevin McDonough
ABSENT	Councilman Greg Triggs (present on zoom)
OTHERS PRESENT	Crystal Weston, Town Clerk; Ken Klein, Attorney to the Town; Victoria Strumpfler, 1 <sup>st</sup> Deputy Town Clerk; Jocelyn Strumpfler, 2 <sup>nd</sup> Deputy Town Clerk

**1 PUBLIC HEARING (6:30PM)**

Supervisor Bernard Johnson opened the public hearing at 6:30 pm to for the Introductory Local Law No 2 of 2022 entitled "A Local Law Establishing a Conservation Advisory Council".

**Supervisor Johnson** [00:00:21] Good evening, and welcome to the Public Hearing for the Town of Tusten for Introductory Local Law Number Two of the year 2022 entitled "A Local Law Establishing a Conservation Advisory Council for the Town of Tusten Sullivan County, New York". The proposed local law adds a new Article II in Chapter 7 of the Town Code entitled "Conservation Advisory Council" to establish a Conservation Advisory Council for the Town of Tusten and provide standards for appointment of members thereto, sets forth the duties thereof and makes other provision regulating the manner in which it shall function. So, have any comment before we open the public comment to the floor?

**Deputy Supervisor Luchsinger** [00:00:58] No, I just think this is a very beneficial council that is being formed.

**Supervisor Johnson** [00:01:07] I will open public comment to the floor. Is there anybody that wishes to speak? Yes, Star?

**Star Hesse** [00:01:17] I was wondering, it says here that the Town Council will take the primary role in this and let's see. Provide standards for appointments of members to this council. How are the standards feeding arrived at? Is there a list some place on some other?

**Supervisor Johnson** [00:01:46] The membership under the 7.9 persons residing within the Town of Tusten and Nonresidents who own property within the Town of Tusten who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as members of the council. So those are the things that we're looking at. Yes.

**Star Hesse** [00:02:05] So they don't have to have any particular bent on what they're looking at. It's just they live here or have a house here and want to be on this council to...

**Supervisor Johnson** [00:02:17] We're interested in the improvement and the preservation of environmental quality. That makes them eligible? Yes, they will receive additional training as they go. Much like people that join a planning board or zoning board of appeals

**Star Hesse** [00:02:29] and the training would come from where?

**Supervisor Johnson** [00:02:32] They got different training. Some will, the first meeting that they will have will be with the New York State DC to set forth some of the obligations that will fall underneath the council.

**Star Hesse** [00:02:44] And the last sentence in this statement says something about that adopt a negative declaration pursuant to Sequoia, finding the local law will not result in any significant adverse environmental impacts. Could you translate like that? But what does that mean? Adopt a negative declaration.

**Supervisor Johnson** [00:03:09] It means that there is no negative. There is a negative environmental impact as a result of this law.

**Star Hesse** [00:03:17] Okay and that's been issued already or that has to wait for the law to be passed

**Supervisor Johnson** [00:03:22] We've designated ourself as a lead agency for that purpose. Yes, that was done at the previous...

**Councilman McDonough** [00:03:27] Negative declarations are things that are at every planning board meeting or even zoning board meeting before anything goes forward, you go through SEQRA and you have to check off a whole bunch of boxes neg deps or whatever they call it. It's just, it's a standard thing that the lead agency affirms that it's not going to have damaging effects.

**Star Hesse** [00:03:49] Okay. How can they know that if they don't know what they're doing yet?

**Councilman McDonough** [00:03:54] The establishment of a border.

**Supervisor Johnson** [00:03:57] Yeah, we're establishing a board. We're not going out and doing an archeological dig or creating a building that's going to have stream run off or extreme disturbance or stormwater runoff. It's just the establishment of a conservation council that the town had previously. We're just doing it instead of doing a board resolution, we are now doing it as a local law so that it doesn't disappear.

**Star Hesse** [00:04:21] So establishing the Council, just the establishing of the council is the thing that is not going to result in any environmental impacts, adverse environmental effects. So, I guess that's binding on whoever is appointed to the council that they cannot do one thing that could be seen as environmentally.

**Councilman McDonough** [00:04:44] I, Ken can you clarify that anymore?

**Attorney Ken Klein** [00:04:47] It's an advisory board. It makes recommendations to the Town in terms of the Town Board, as does the policies that the Town Board might ultimately want to want to adopt and might give an input to the Planning Board for

consideration with respect to matters that (inaudible). This is not a board that has any jurisdiction to approve any action or undertake any action.

**Star Hesse** [00:05:13] Okay. So.

**Attorney Ken Klein** [00:05:14] They're going to do anything resulting in the disturbance or movement of earth or any environment or habitat impact.

**Star Hesse** [00:05:20] So these people will be making suggestions and then the Town Board will be bound by this, non (inaudible).

**Attorney Ken Klein** [00:05:29] You're co-mingling and conflicting a bunch of different things

**Star Hesse** [00:05:33] Co-Mingling, conflicting

**Attorney Ken Klein** [00:05:38] That's what you're doing I'm sorry.

**Star Hesse** [00:05:38] Okay, all right.

**Councilman McDonough** [00:05:39] They're establishing a board to be an adviser, an advisory council. They made a determination pursuant to the State Environmental Quality Review Act, that the establishment of that board, just simply constituting that board, will not make adverse environmental impact.

**Star Hesse** [00:05:55] Just making the board.

**Attorney Ken Klein** [00:05:57] Just making the board.

**Star Hesse** [00:05:58] Okay. So, then they can do whatever they want afterwards?

**Councilman McDonough** [00:06:02] Which is advisable

**Star Hesse** [00:06:04] Okay. alright.

**Attorney Ken Klein** [00:06:05] I don't know what you mean by they can do what they want, no they can't just do what they want.

**Star Hesse** [00:06:09] Well, I don't I don't see how just creating a board could have any adverse environmental impacts.

**Councilman McDonough** [00:06:16] Exactly. That's why they issued a negative declaration that it won't result in any adverse environmental impact. You're saying exactly what the Town Board concluded last month.

**Star Hesse** [00:06:25] Yes. We have no bananas. Okay, alright thank you

**Attorney Ken Klein** [00:06:29] You're welcome.

**Supervisor Johnson** [00:06:29] Any other public comment from the floor? Greg can comment from zoom right? Correct?

**Attorney Ken Klein** [00:06:48] He could comment.

**Supervisor Johnson** [00:06:49] But he can't a vote.

**Attorney Ken Klein** [00:06:51] he can't vote. We have to talk about that. If you want if you want to be able to do that.

**Supervisor Johnson** [00:06:58] No, I'm just going to ask Greg at any input.

**Attorney Ken Klein** [00:07:02] That's fine.

**Supervisor Johnson** [00:07:02] Greg did you have any input that you wanted?

**Councilman Triggs** [00:07:05] No, I think this is a good idea, and I'm excited that we're pursuing it.

**Cathleen Breen** [00:07:24] Is the meeting open to the public?

**Supervisor Johnson** [00:07:26] Yes, once a council gets set, then they'll determine its recording Secretary. The Board will determine a chairperson, determine when they want their meetings to be, who the town board liaison would be.

**Crystal Weston** [00:07:51] How many members will it have?

**Attorney Ken Klein** [00:07:54] We've got anywhere between three and nine, I believe five is what we're looking at right now.

**Cathleen Breen** [00:08:00] Are you going to put out like a public notice?

**Supervisor Johnson** [00:08:04] What will happen next is at our regular board meeting, this board will vote on to establish the council and then once it votes to establish a council, it would vote on members for the council and then it would it would go up on the website and meetings would also be posted

**Cathleen Breen** [00:08:27] At that meeting, that same meeting, voting on the establishment of the council, you'd be voting on the members of the council.

**Supervisor Johnson** [00:08:36] Yes.

**Cathleen Breen** [00:08:36] So what's the process for someone to submit their name to be put on that?

**Supervisor Johnson** [00:08:43] That would. Just let the board know, submit. Anybody that's interested, we've had some people come forward. We haven't had a ton of people come forward. But are you interested? Leave your information with Crystal and we can go from there. Well, I'll give it another 2 minutes in case somebody wants to come.

**Deputy Supervisor Luchsinger** [00:09:11] Why who says it's going to last 15 minutes and that clock is off.

**Crystal Weston** [00:09:14] Probably needs new batteries in it.

**Supervisor Johnson** [00:09:17] It is a little quick

**Deputy Supervisor Luchsinger** [00:09:21] Three and that's 4 minutes, which always makes me very late.

**Councilman Gettel** [00:09:27] Okay, now I get it.

**Deputy Supervisor Luchsinger** [00:09:27] You should see my complaint.

**Attorney Ken Klein** [00:09:30] With the other direction. Would be good.

**Deputy Supervisor Luchsinger** [00:09:33] Here she is, early again.

**Supervisor Johnson** [00:09:41] Can I have a motion to close the public hearing?

**Deputy Supervisor Luchsinger** [00:09:43] I move we close the public hearing.

**Supervisor Johnson** [00:09:45] A second?

**Councilman McDonough** [00:09:45] Second.

**Supervisor Johnson** [00:09:45] Thank you, all in favor, aye. Opposed? I will open up our regular workshop meeting on the pledge to the flag.

With no Further Comments to be heard the Public Hearing was closed at 6:44PM,  
On motion of Deputy Supervisor Luchsinger & Seconded by Councilman McDonough

## **2 OPENING ITEMS**

### 2.1 Call the Meeting to order

Supervisor Bernard Johnson opened the meeting at 6:45 pm.

### 2.2 Pledge of Allegiance

Supervisor Bernard Johnson led the pledge of allegiance.

## **3 MEETING**

### 3.1 Agenda Workshop

Discussion held regard the NWS Water Tower

### 3.2 Executive Session

#### **RESOLUTION # 116 - 2022**

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

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

**ADOPTED 4 AYES 0 NAYS 1 ABSENT (Councilman Greg Triggs)**

**RESOLVED**, The Town Board entered into executive session at 7:16pm for the purpose of proposed lease of real property, the lessee may affect the rate or value.

- Discussion held
- No action taken at this time

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, the Executive Session was closed at 7:15 PM. All in favor.

#### **4 CLOSING ITEMS**

With no further business to be held the Town Board closed the Meeting at 8:16 pm. on motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger. All in favor.

Respectfully Submitted  
Crystal Weston, Town Clerk  
Victoria Strumpfler, 1st Deputy Town Clerk