



Town of Tusten Town Board Meeting

Regular Meeting Minutes
March 8, 2022
6:30 PM

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

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 **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**

Repair Café Saturday April 9, 2022 Tusten Community Hall 11:00AM – 3:00PM

1.4 **Correspondence –**

- Tony Ritter re: 210 Bridge St vs. 93 Main St.
- Linda Slocum re: 93 Main St
- Mike Farrell re: ZBA 2/14/22
- Brendan & Kathy Weiden re: 93 Main st
- UDSC re: Thankyou for 2022 \$1000 Contribution

1.5 **Payment of Bills**

RESOLUTION # 46-2022

PAYMENT OF BILLS

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

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

RESOLVED that the Town Board hereby accept and authorize Supervisor Ben Johnson to pay the bills as presented and audited by Councilman Kevin McDonough & Deputy Supervisor Jane Luchsinger:

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FUND ACCT	CHECK DIS.	VOUCHER #'s
General	\$53,799.00	144-161, 196-200; Late Bills 132, 133, 133A, 136, 141, 142
Highway	\$74,607.48	162-174, 201
Water	\$25,088.53	175-195, 197A, 198A Late Bills 130, 134, 137
Sewer	\$17,031.43	202-222, Late Bills 131, 135, 38, 142, 143
Lighting Dist.	\$441.76	140
<u>Escrow accts</u>		
TOTAL	\$170,968.20	

2 DIVISION REPORTS

2.1 **Highway** - submitted by Highway Superintendent Don Neiger

- Used 1053.9 gal of diesel fuel 958 gal was for highway and 95.9 was non highway use.
- Used 180 gal of gas 0 was highway and 180 was non highway use.
- Patch holes on dirt and paved roads.
- Removed trees in road way Ackerman, Irishtown, Swamp Pond, Woodoak and Perry Pond.
- Make sand salt mix for winter.
- Work on ice conditions on several roads.
- Repair trucks after storms.
- Out for slippery road conductions most of the time.
- Repaired washed out on dirt roads Mahl's Pond and Bear Run.

2.2 **Water & Sewer** – Submitted by NWS Dept & NWS Billing Clerk

- Spring hydrant flushing is scheduled for April 25th and 26th.
- We will be starting septic tank inspections as soon as weather permits
- Completed monthly drinking water and waste water sampling and reporting.
- Completed annual Nitrate and Sodium drinking water sampling.
- 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 February.
- Attended a class provided by NYRWA and several webinars for sewer and water education and a U-DIG NY webinar.
- Koberlein pumped out sludge from dosing tanks.

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- Koberlein pumped out one septic tank on Main St.
- Took both trucks to the dealer to get a recall repaired.
- Responded to a pump station alarm on School St due to a high level in the tank. Got pump running and tested floats.
- Responded to a water leak in a building on Bridge St and got water shut off. Replaced meter and turned water back on after leaks inside were repaired.
- Leveled off driveways at water and sewer properties due to ruts and severe mud conditions.
- Plowed and shoveled wells and sewer plant.
- Dug up and replaced two broken/bent curb valve boxes and one curb box rod, one to get water turned off so homeowner could repair a leak inside the building and the other to turn water service on to a building.
- Painted floors at Well #3.
- Worked on writing/updating Standard Operating Procedures.
- Cleaned and organized office and shop.

NARROWSBURG WATER & SEWER	
FINANCIAL REPORT FOR FEBRUARY 2022	
Narrowsburg Water	
Water Metered Rent	\$ 26,230.55
Service Charge	\$ 638.52
Water Penalty	\$ 322.89
TOTAL RECEIVED	\$ 27,191.96
Narrowsburg Sewer	
Sewer Rent	\$ 19,564.66
Service Charge	\$ 1.50
Sewer Penalty	\$ 132.06
TOTAL RECEIVED	\$ 19,698.22
GRAND TOTAL	\$ 46,890.18
Jocelyn Strumpfler Water & Sewer Clerk	

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2.3 Building Department/ Code Enforcement

Construction Inspections – 22
Fire & Safety Inspections – 0
Certificate of Occupancy Issued – 1
Complaint/Violation Inspections – 4
Certificate of Compliance Issued – 9

Total New Permits Issued – 5

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

Expired Permit Renewals – 4

Abstracts/Violation Search – 3

Dangerous and Unsafe Building – 0	Complaints Closed – 0
Complaints Received – 0	Violations Corrected – 0
Violations Issued – 4	Stop Work – 3
Previous Violations Closed/Corrected – 0	

Jim and Jocelyn attended two on-line continuing education classes on February 18, 2022 on (1) Part 1208 Overview; and (2) Heat Pump Installation Nonconformities.

2021 NYS Annual Report Submitted
2021 UDC Annual Permits Issued in River Corridor Submitted

Monies collected by this office from February 1, 2022 to February 28, 2022 are \$2,191.80.

Respectfully,
Jim P Crowley, Building Inspector
JPC/js

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2.4 **Assessor** – Submitted by Ken Baim, Sole Assessor

During the month of February, the Sullivan County Assessor's Association had their regular monthly at White Sulphur Springs Inn. There were no new outstanding topics from Department of Taxation at that time. Discussion of Solar Farm Valuation was a big topic and a template was given out to request needed information to complete the worksheet provided by Department of Taxation. I have requested this from our local solar farm and received the completed form back.

I completed a full day course on line for solar farm valuation on February 25th. This provides 6 credit hours toward my annual 12 credit hour requirement. Since this was the first time the course was presented and this is completely new topic there were some grey areas that were not answered.

In January I reported setting the Equalization rate, residential assessment rate and level of assessment at 38.5%. Per contact from our local rep, they recommended it be set at 38.92%. This is the maximum allowed by our sales figures. Normally they ask that we do not go to the maximum, but leave some free room. I did not get an explanation of this change in policy, but it is to our advantage.

As it has become apparent that the desk, I formerly used at the Town office could be put to better use by those working in the office, I have continued to enhance my work space at home to make working at home more productive and pleasant.

This is the first step for the gathering of data for the Tentative assessment roll. I published the legal notice for March 1 and will be out in field measuring later this month.

2.5 **Upper Delaware Council** – submitted by Susan Sullivan

Upper Delaware Council

The biggest news for Tusten this month was news of the sale of the BSA property, the maps showing new boundaries were discussed at February's planning board meeting, and I heard that 78 people attended via in person or zoom. That is amazing and to our credit. I was at UDC's Project Review meeting on the same night. Kerry Engelhardt attended for UDC.

Ongoing Funding for UDC; The Crane report's analysis of financial sustainability led to a lot of discussion, addressing new approaches to secure funding from NY State and Commonwealth of PA, as well as other changes we need to make in the operation of the Council. The support of each member Town and Township is critically important. More specifics on that when The Council organizes its priorities and has timeframes.

Redistricting/Meeting the 19th Congressional Districts potential new Congressman Mondaire Jones. A meeting with Congressman Jones, who currently represents the 17th District, was arranged by Ann Hart, Sull. Co. Democrats and Nadia Rajz, UDC Representative from Lumberland, and Sullivan Co Legislator. The Congressman watched power point about the UDC, and I provided his Chief of Staff a list of the issues that are important to us. This was his first exposure to the Delaware Valley. We emphasized that we are not the MidHudson Valley

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TAG Grant for Zoning Revision is on track. **River Shoreline Grants**, applications due 4/22/2022.

Litter Sweep April 22 through 30. Volunteers welcome, Call 845-252-3022 and ask Ashley to put you on the list, and she gives the list to Evan Padua who is our fearless litter leader. This is a fun event, and as you are now noticing the plastic etc lining our roadways, it's very satisfying to clean up. UDC focused on River Access areas. and Tusten's Litter pluck on everything.

Skidders Falls Bridge; Letters being written to seek infrastructure dollars for the Rehabilitation of the Bridge. Staff will conduct a tour for PA DOT Engineering District 4.0

Social Media the UDC is utilizing its website and FB and Twitter presence very effectively, so check our FB page, LIKE us.

National Park Service

NPS anticipates continuing their presence at the TMR Boat Launch this summer.

NY DEC

In making comments on the 10-year update to the DEC's Strategic Plan for State Forest Management, UDC included "We hope that the DEC.....continues to preserve public recreational access to these areas" referring to the 350 acres of in the River Corridor.

That's it. Any questions feel free to email me at suesul1941@gmail.com

2.6 Energy Committee – Submitted by Brandi Merolla

Tusten Energy Committee Report February 2022

Soft Plastic

2 years ago when Covid came to the U.S., TREX paused picking up soft plastic for a period of 6 months nationwide. Supervisor Johnson suggested that rather than ending the collection, we store the bags of soft plastic in a town owned building on The Flats. I did so neatly as I logged all the weight and dates of collection.

Then when the program began again, I asked the supervisor for help transporting all I'd collected. He suggested Town Highway Superintendent Neiger transport it all to Weis when he had the time. He said he spoke to Don. I offered to help. After repeated requests for this transport for 1 ½ years, the plastic is still in the building which is now scheduled for demolition.

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Last week I spoke with Don Neiger about transporting the stored soft plastic. He said he was told that he needed to weigh and label it all and then needed to bring it to Weis after speaking with a store manager. I clarified to Don that **none of that was necessary**. He simply had to load his truck and bring it to Weis behind the building. He then said he'd deliver the stored soft plastic each time he went to Honesdale. He declined my help.

To date the TEC has collected over 10 tons of soft plastic.

LED Streetlights

As per our request, Supervisor Johnson has communicated with NYPA about resuming the installation of the LED pendant lights. He was told that after the 2 month long install in Ferndale(?), they would schedule hanging the Tusten Main St lights and they'd go through our punch list of other issues with the already installed cobra heads.

H.O.R.S.E.

Rochester Institute of Technology is doing a Case Study on the Tusten HORSE beginning March 7. The TEC

reached out to SUNY Sullivan for possible student training.

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 enough 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. They no longer employ consultants so we'd like permission to use \$xxx from the TEC's bank account from past grants, to hire Niklas to submit this complicated data-based grant. We'd like the town board to approve moving forward with Niklas on the grant application.

Or alternatively, someone else can convince the town code enforcer to take the energy training course and then the town gets \$10,000. Neither the code enforcer nor the supervisor have returned my emails regarding the training.

Brandi Merolla, TEC Chair

2.7 Zoning Revision Committee

- Committee continues to meet twice a month (1st & 3rd Tuesday 2pm – 4pm) in Town Hall

2.8 Grants Report

- Little Lake Erie Culvert - Town has begun to accept sealed bids for project.
- Water Improvement Project
- UDC – midterm report has been submitted
- Submitted for the Sullivan Renaissance Grant (\$20,000) to redo Kirks Road

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-Submitted for the Sullivan Renaissance Grant (\$10,000) for a public restroom on main street

2.9 **Narrowsburg Water & Sewer Committee**

- Met on march 7, 2022 and continues to meet regularly the first Monday of the month at 8:00 AM
- Reviewed the current water & sewer rates
- NWS Dept. requires two easements
- Water Tower needs to be cleaned and upgraded
- Hydrant Flushing on April 25 & 26th

3 **PUBLIC COMMENT**

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

4 **OLD BUSINESS**

4.1 **Zoning Law**

RESOLUTION #47-2022

INTRODUCTORY LOCAL LAW NO 1 OF 2022 "TOWN OF TUSTEN ZONING LAW AMENDMENTS"

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

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

BE IT RESOLVED, that 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" is hereby introduced before the Town Board of the Town of Tusten, County of Sullivan, State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines the aforesaid local law to be a Type I Action pursuant to the regulations promulgated under the State Environmental Quality Review Act for which a full environmental assessment form shall be completed; and

BE IT FURTHER RESOLVED, that the Town Board hereby designates itself as Lead Agency for purposes of environmental review of the aforesaid local law pursuant to the regulations promulgated under the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on the aforesaid local law at the Town of Tusten Community Hall, 210 Bridge Street, Narrowsburg, New York, at 6:15p.m., prevailing time, on April 12, 2022; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the River Reporter of such public hearing at least five (5) days prior thereto.

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RESOLUTION NO. 48-2022

ADOPTION OF SEQRA PART 1 & 2

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

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

RESOLVED that the Town Board hereby accepts & Adopts Parts 1 & 2 of the SEQRA for Introductory Local Law No 1 as prepared & presented by Peter Manning.

RESOLUTION No 49- 2022

ADOPTION OF SEQRA PART 3 & NEGATIVE DECLARATION

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

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

WHEREAS the Town Board hereby accepts & adopted Part 2 of the EAF as prepared & presented by Peter Manning, and hereby declares in completing Part 2 of the SEQR Full Environmental Assessment Form, and upon further consideration of any potential impacts associated with the adoption of this zoning amendment local law, the Town of Tusten Town Board finds that the proposed action will have no adverse environmental impacts.

The Town Board also finds the zoning amendments have several environmental benefits, including improved standards include lowered disturbance thresholds for town review of clear-cutting activities, enhanced landscaping and parking requirements, inclusion of standards for best management practices for timber harvesting, and adjustments to stormwater protection regulations to be consistent with NYSDEC procedures and requirements. Additionally, revisions to the Zoning Board of Appeals section improves its consistency with state statutes, while a new section, Application and Review Fees, is added to Article XII to help ensure that the town has sufficient resources to cover the costs of processing and reviewing applications.

THEREFORE, BE IT RESOLVED that upon review of the information recorded on the EAF, as noted and considering both the magnitude and the importance of each identified potential impact, it is the conclusion of the Town of Tusten Town Board as lead agency that this project will result in no significant adverse impacts on the environment and therefore an environmental impact statement need not be prepared. Accordingly, this Negative Declaration is issued.

4.2 Conservation Advisory Council

RESOLUTION No 50 – 2022

ADVERTISE FOR MEMBERS

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 that the Town Board direct and authorize the Town Clerk to advertise for interested parties to submit in writing their desire to be appointed to the CAC along with their credentials.

4.3 Water Tower –

TABLED -to authorize Attorney to the Town, Kenneth Klein Esq., to obtain callable bonds for the Narrowsburg Water Tower.

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*Deputy Supervisor Jane Luchsinger will gather description and cost for the Water Tower.

4.4 NWS Committee recommendation(s)

RESOLUTION # 51-2022

ADOPTION OF NWS COMMITTEE RECOMMENDATIONS

On motion of Deputy Supervisor, seconded by Councilman Kevin McDonough, the following resolution was **ADOPTED 4 AYES 0 NAYS 1 ABSENT** (Councilman Greg Triggs)

RESOLVED that the Town Board hereby authorize the NWS Clerk to change the classification of the following accounts from Residential to Commercial effective for the April 1, 2022 Billing, which includes the water usage from January 1, 2022 – April 1, 2022, upon recommendation of the NWS Committee:

<u>Acct #'s</u>	810027	31900	70600	10500
	33950	33900	810001	20400
	20900	30900	60700	37900

BE IT FURTHER RESOLVED that the Town Board hereby authorize the NWS Clerk to change the classification of the following account(s) from Commercial to Residential effective October 1, 2021, upon recommendation of the NWS Committee:

<u>Acct#'s</u>	35900
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5 **NEW BUSINESS**

5.1 **93 Main Street**

Town Board Held a Discussion on how to proceed with the 93 Main St & 210 Bridge St Buildings

Councilman Bruce Gettel – stated 93 Main would make a great Town Hall

Councilman Kevin McDonough - Unsure - has mixed ideas

Deputy Supervisor Jane Luchsinger – Agree with comments not to use the main street building for Town Hall

Supervisor Ben Johnson – Town shouldn't own two buildings – need to move forward with one building or the other.

RESOLUTIONI #51 -2022

AUTHORIZATION TO OBTAIN COMMERCIAL APPRAISALS

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 that the Town Board hereby directs and authorizes Ken Klein, attorney to the Town to obtain Commercial Appraisals for both buildings, 93 Main Street & 210 Bridge Street.

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5.2 Municode - In progress – Town Clerk has more information to gather and clarify

5.3 Retaining Wall 210 Bridge Street Parking Lot

Supervisor Bernard Johnson shall reach out to Superintendent of Highway, Don Neiger to discuss and determine how to repair the retaining wall.

5.4 Hire Attorney to represent CEO

RESOLUTION #53-2022

AUTHORIZATION TO HIRE RICCIANI

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

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

RESOLVED that the Town Board shall hire Attorney Jaqueline Ricciani to represent Town of Tusten Code Enforcement Officer, James Crowley.

5.5 NYS Low Income Household Water Assistance Program (LIHWAP) Vendor Agreement

RESOLUTION # 54 -2022

AUTHORIZATION TO SIGN LIHWAP AGREEMENT

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

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

RESOLVED that the Town Board hereby authorize the Town Supervisor to sign the vendor agreement with NYS LIHWAP for the NWS Dept to receive monies from the state of NYS as payment for the water bills of those who have applied and been approved for assistance.

5.6 Escrow Accounts

RESOLUTION #55-2022

AUTHORIZATION TO OPEN ESCROW ACCOUNTS FOR 2022

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 that Supervisor Bernard Johnson is hereby authorized to open Escrow Accounts at the Catskill Hudson Bank for the 2022 Calendar year

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5.7 Bridge Back to Life

RESOLUTION #56-2022

BRIDGE BACK TO LIFE

On motion of Supervisor Bernard Johnson, seconded by Councilman Bruce Gettel, the following resolution was,

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

RESOLVED to authorize Bridge Back to Life to park their mobile unit on town property monthly.

5.8 NWS Training

RESOLUTION #57-2022

AUTHORIZATION FOR NWS TRAINING

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

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

RESOLVED to authorize to members of NWS to attend Ny rural Water Assoc. 43rd Annual training Workshop

5.9 Meetings

Discussion about the purchase of an additional TV, Camera & Stand – no decisions have been made.

5.10 Litter Pluck

RESOLUTION # 58-2022

LITTER PLUCK

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

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

RESOLVED that the Town Board approve & authorize the Narrowsburg Beautification Committee to hold Litter Pluck on April 23, 2022, Town Highway will supply truck for removal of garbage.

6 **PUBLIC COMMENT**

7 **CLOSING ITEMS**

7.1 Board Comment

7.2 Meeting reminder

- **ZBA** Regular Meeting March 14, 2022 at 7:30 PM – Community Hall (Zoom ID 851 9544 5595)
- **Zoning Revision/ Update Committee** Meeting Tuesday March 15, 2022; 2:00PM-4:00PM – Community Hall (Zoom ID 847 5045 2682)
- **Planning Board** Public Hearing & Regular Meeting Tuesday March 22, 2022 at 7:15 PM – Community Hall (Zoom ID 897 1376 8662)

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- **Water Sewer Committee** Meeting Monday March 7, 2022 at 8 AM – Community Hall (No Zoom)
- **Town Board** Workshop Tuesday April 5, 2022 at 6:30 PM – Community Hall (No Zoom)
- **Town Board** Regular Meeting Tuesday April 12, 2022 – Community Hall (Zoom ID 890 1678 4280)

7.3 Adjournment