

Tusten Town Board
Recessed Meeting Minutes
June 23, 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; Star Hesse	

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:

THERE WILL BE NO PUBLIC COMMENT DURING THE
WORKSHOPS- PLEASE FOLLOW UP WITH YOUR TOWN BOARD FOR
FURTHER INFORMATION/QUESTIONS.

2. RECESSED ITEMS

2.1 Town Engineer

Town Board will review the information

2.2 Town Hall Roof Bid

- Rescind Award

RESOLUTION # 82-2020
RESCIND TOWN HALL ROOF AWARD

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the roof bid awarded to Reeves Mountain Construction at the Tuesday June 9, 2020 Regular Meeting is hereby rescinded.

- Re-bid

RESOLUTION #83-2020
REBID TOWN HALL ROOF PROJECT

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the original roof packet be edited to include the replacement of the kitchen roof, bids are to be received by Monday July 20, 2020 and opened on July 22, 2020 at 3:00pm the Town Clerks Office. Bids will be reviewed at the July 23, 2020 Town Board Meeting at 6:30 on ZOOM

2.3 Town Building re: Office Doors

RESOLUTION # 84 - 2020

ACCEPT QUOTES FOR DUTCH DOORS

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

ADOPTED 5 AYES 0 NAYS

RESOLVED, that the Town Supervisor is hereby authorized to accept quotes/ bids for Dutch Doors for the Town Hall interior offices for an amount not to exceed \$ 3,000.00.

2.4 Set a Public Hearing: Local Law 2 of 2020 to Amend Chapter 115 of the Town Code Entitled Animals

**TOWN OF TUSTEN
LOCAL LAW NO. 2 OF 2020**

A LOCAL LAW TO AMEND CHAPTER 115 OF THE TOWN CODE ENTITLED ANIMALS

Be it enacted by the Town Board of the Town of Tusten, County of Sullivan, State of New York, as follows:

Section 1. Title and Applicability

This Local Law shall be referred to as a “Local Law Amending Chapter 115 of the Town Code.”

Section 2. Purpose and Intent

The Town Board of the Town of Tusten has determined that dog excrement that is not disposed of by the dog’s owner presents a safety and public health hazard to the residents and visitors to the Town and that a penalty shall be imposed for dog owners who do not remove and properly dispose of their pet’s feces. The Town Board has also determined that the owner of any dog that is seized pursuant to section 115-6 of the Town Code shall pay an impoundment fee to redeem the dog.

Chapter 115 of the Town of Tusten Town Code entitled “Animals” is hereby amended as follows:

Section 115-5 entitled “Restrictions” shall be deleted and replaced with the following:

§ 115-5. Restrictions and Requirements.

- A. It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:
- (1) Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person on private property, with consent of the property owner or licensee. For the purpose of this article, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by their owner.
 - (2) Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
 - (3) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof.
 - (4) Chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

- (5) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway or place, or upon private property without the consent or approval of the owner of such property.
- (6) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.
- (7) If a female dog when in heat, be off the owner's premises unrestrained by a leash.

B. The owner(s) of any dog in the Town shall comply with the following:

- (1) Any person who owns or controls a dog must immediately remove any feces left by that dog on any sidewalk, gutter, street, or other public area and dispose of it in a sanitary method.
- (2) Any person who owns or controls a dog must immediately remove any feces left by that dog on any private property, when the property owner has not given consent for the feces to remain on the property.
- (3) The foregoing subparagraphs (1) and (2) shall not apply to a guide dog accompanying any blind person.

Section 115-6, entitled "Seizure of dogs" is amended to insert the following new subparagraphs:

- D. The owner of any dog that is seized may redeem the dog within five days of the seizure of the dog by paying to the Town Clerk the impoundment fee set by the Town Board and presenting the receipt for payment of the fee to the shelter that is harboring the dog.
- E. Any dog that is not redeemed within five days shall forfeit all title to the dog and the dog shall than be made available for adoption at the discretion of the shelter.

Section 115-7 entitled Penalties for offenses shall be amended as follows:

Subparagraph B(1) shall be replaced to read:

- (1) First offense: no more than \$100.

By inserting a new subparagraph C as follows:

- C. Creating a nuisance by failing to remove feces per subsection 115-5(B)(1) and 115-5(B)(2)

Subparagraph C shall be re-lettered to be subparagraph D.

Section 115-10 entitled "Licensing requirements and procedures" shall be amended by adding the follow sentence to the end of subparagraph (A)(5)(a):

The Town Board may also set a monthly late fee by resolution.

Section 3. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Tusten hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLUTION # 85 - 2020

INTROUCING LOCAL LAW # 2 - 2020 AND PROVIDING FOR PUBLIC NOTICE AND HEARING

On motion of Supervisor Bernard Johnson, seconded by Councilwoman Brandi Merolla, the following resolution was,

ADOPTED 5 AYES 0 NAYS

**TOWN OF TUSTEN
RESOLUTION INTRODUCING LOCAL LAW #2 OF 2020 AND PROVIDING FOR
PUBLIC NOTICE AND HEARING**

BE IT RESOLVED that an introductory Local Law, titled “A Local Law to Amend Chapter 115 of the Town Code Entitled Animals” 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 an unlisted action under SEQRA and Part One of a Short Form Environmental Assessment Form has been prepared; 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, at 6:30 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.

2.5 Special Meeting: Agenda Workshop July 7, 2020 - **CANCELLED**

2.6 Friday on Main Street – Request to hold ‘First Fridays’

2.7 HORSE report by Councilwoman Brandi Merolla

- No pad is needed (can be placed on two rail road ties)
- Does not require housing
- \$5000.000 in Grants monies to put toward this
- Will need to run electricity to the HORSE from the closest pole.

RESOLUTION # 86-2020

ELECTRIC FOR HORSE

On motion of Councilwoman Brandi Merolla, Councilwoman Jill Padua, the following resolution was,

ADOPTED 5 AYES 0 NAYS

RESOLUTION to authorize the Town Supervisor to solicit quotes for the electrical hook-up at the HORSE; 2 Options (1) Set up a separate meter pan OR (2) Run electric directly off the building. Quotes to be obtained as per the Towns Procurement Policy.

2.8 Town Hall Exterior Painting

Colors for the Town Hall – Comp Plan recommends keeping with historical preservation

Supervisor Bernard recommends the building committee gathers the information and makes a decision; a board resolution is not needed.

- 2.9 Culvert/Pond on Cackletown Rd - does the Town own the Culverts? How do we locate this information?

3. OPEN BOARD DISCUSSION

No further business

4. PUBLIC COMMENT

Star Hesse

5. CLOSING ITEMS

4.1 Meeting reminders

Next Regular Town Board Meeting is scheduled for Tuesday July 14, 2020 6:30 PM via ZOOM

4.2 Adjournment

On motion of Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, the meeting closed at 7:30 PM.