



# Town of Tusten Town Board Meeting

## Regular Meeting Minutes

Zoom ID 890 1678 4280

January 11, 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  
Councilman Kevin McDonough  
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

- Sullivan County Mobile DMV is BACK!! January 25, 10:00 – 3:30 pm by appointment only, appointments can be made on the Sullivan County DMV Site or by calling the DMV in Monticello.
- Covid 19 Test kits
- Zoom not for workshops; Public Hearings only until April 2022; Regularly Scheduled Planning, ZBA, Zoning Update & Town Board

### 1.4 Presentation

UDSB - Josh Felderstein, Tusten Representative gave an informative presentation on the Upper Delaware Scenic Byway. *(Please see the recording for the full details)*

### 1.5 Payment of Bills

#### **RESOLUTION #19 – 2022**

#### **PAYMENT OF BILLS**

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

**ADOPTED 5 AYES 0 NAYS**

**RESOLVED**, that the Bills for January 2022 be paid as presented:

<b>Fund Acct</b>	<b>Acct. Disburse</b>	<b>Voucher #'s</b>
<b>General</b>	\$71,640.75	
<b>Highway</b>	\$28,831.13	
<b>Water</b>	\$11,038.22	
<b>Sewer</b>	\$18,347.46	
<b>Lighting Dist.</b>		
<b>TOTAL</b>	<b>\$129,857.56</b>	

**2 DIVISION REPORTS – December 2021 Reports**

**2.1 Highway – by Donald Neiger, Highway Superintendent**

- Used 660.2 gal of diesel fuel 598.6 gal was for highway and 61.6 was non highway use.
- Used 168 gal of gas 0 was highway and 168 was non highway use.
- Patch holes on dirt and paved roads.
- Removed trees in road way Swamp Pond, Perry Pond, Gables, Cohecton Turnpile and Neweiden roads.
- Make sand salt mix for winter.
- Repair wash out Swamp Pond, Hankins, Brook and Mahls Pond.
- Put all summer equipment away for winter.
- Get remaining trucks ready for winter.
- Out for slippery road conductions several times.

**2.2 Water & Sewer – NWS Dept.**

- Completed monthly drinking water and waste water sampling and reporting.
- Took daily chlorine samples from several different locations in the district.
- 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 December.
- Attended a class provided by NYRWA for the sewer apprenticeship.
- Koberlein pumped out sludge from dosing tanks.
- Replaced fabric around sand bed #3.
- Found several big water leaks in service lines, assisted contractors where possible to get the leaks fixed.
- Started using new GPS unit to mark water lines at Well #3, valves and distribution boxes at sewer plant, several manholes at Well #1, and several sewer cleanouts including two that were in the wooded easement between Route 97 and Kirk Rd.
- Dug up two septic tanks, installed two new risers on one.
- Koberlein pumped out 4 septic tanks.
- Inspected pump and grinder stations, found one pump station not working. Determined the pump was bad and tripped the electrical panel.

- Koberlein helped replace a broken sewer pump, plumbing, and a bad float at a house on Bridge St.
- Let one homeowner know about high water use.
- Responded to 1 NY Dig Safe mark out request.

**FINANCIAL REPORT FOR DECEMBER 2021**

Water Metered Rent						
Service Charge			\$207.51			
Water Penalty			\$12.76			
<b>TOTAL RECEIVED WATER DEPARTMENT</b>						
						<b>\$220.27</b>
Sewer Rent			\$422.60			
Service Charge			\$1,725.45			
Sewer Penalty			\$0.00			
<b>TOTAL RECEIVED SEWER DEPARTMENT</b>						
						<b>\$2,148.05</b>
<b>GRAND TOTAL</b>						
						<b>\$2,368.32</b>
Kelly Agar/Jocelyn Strumpfler						
Water & Sewer Clerk						

**2.3 Building Department/ Code Enforcement – Jocelyn Strumpfler, Code Clerk**

2021 Annual Report	DECEMBER 2021 Monthly
<p>Construction Inspections - 216            Fire &amp; Safety Inspections - 2            Complaint Inspections - 4</p> <p>Certificate of Occupancy - 9            Certificate of Compliance - 89</p> <p>Permits ----- 144 (143            in 2019) (132 in 2020)</p> <ul style="list-style-type: none"> <li>Addition ----- 2</li> <li>Accessory Bldg/Garage----- 7</li> <li>Alterations/Renovation ----- 17</li> <li>Camping ----- 7</li> <li>Chimney/Solid Fuel----- 4</li> <li>Commercial New Acc Bldg ----- 4</li> <li>Commercial Alteration/Renov ----- 4</li> <li>Commercial Deck ----- 2</li> <li>Deck ----- 8</li> <li>Demolition ----- 5</li> <li>Driveway ----- 10</li> <li>Electrical/Geothermal Units----- 6</li> <li>Logging ----- 5</li> <li>Mechanical/Fuel Tank Abatement----- 7</li> <li>New Homes ----- 19                (9 homes in 2019) (8 homes in 2020)</li> <li>Pool ----- 6</li> <li>Renewal ----- 1</li> <li>Roofs Residential/Commercial----- 14</li> <li>Septic/Tank Permits ----- 6</li> <li>Sidewalk ----- 1</li> <li>Sign ----- 0</li> <li>Solar Permits ----- 1</li> <li>Well----- 3</li> </ul> <p>Municipal Search - 141 (81 in 2019) (101 in 2020)            Flood Plain Permits - 2</p> <p>Dangerous and Unsafe Building Declaration - 0            Complaint/Violation Notices - 3</p> <p>Monies collected by this office from January 1, 2021 to December 31, 2021 were \$50,610.44            (\$47,348.30 for 2019) (\$33,904.90 for 2020)</p>	<p>Construction Inspections - 17            Fire &amp; Safety Inspections - 0            Complaint/Violation Inspections - 0            Certificate of Occupancy - 2            Certificate of Compliance - 8</p> <p>Building Permits - 8            New Homes - 0            Accessory Building/Garage - 0            Renovation/Alteration/Addition - 1            Camping - 0            Chimney/Fuel - 0            Accessory Building Commercial - 0            New Commercial Construction - 0            Renovation/Alteration - Commercial Construction - 0            Deck - 0            Commercial Deck - 0            Demolition Permit - 1            Driveway Permit - 0            Electrical - 1            Logging Permits - 0            Mechanical - 2            Permit Renewals - 0            Plumbing - 0            Pool - 0            Roof Replacement - 2            Roof Structure - 0            Septic Permits - 1            Sidewalk - 0            Sign Permit - 0            Solar Permit - 0            Well - 0            Flood Plain Permit - 0</p> <p>C/O and violation search - 13</p> <p>Dangerous and Unsafe Building - 0            Complaints Received - 0            Complaints Closed - 0            Violations Issued - 0            Violations Corrected - 0            Previous Violations Closed/Corrected - 0            Stop Work - 0</p> <p>Monies collected by this office from December 1, 2021 to December 31, 2021 are \$2,631.90</p>

**2.4 Assessor - by Ken Baim, Sole Assessor**

For December the address, bank code and new deeds were processed for the second submission before the printing of the January tax bills. Deeds have been slow recently. Some Forest Exemption commitments have been being received. By executive order, the Governor has given the option to not do personal renewals of the aged exemptions for 2022 and carry forth with those already on. Since I no longer review the income for the enhanced STAR exemption, I have not seen those taxpayers who may have become eligible for the Aged Exemption due to a change in their income. Therefore, the number of aged exemptions is now about half of what it was three years ago. Currently only twenty-one households are in the program. I forwarded this information to Ben for Town Board resolution. Due to the fact that many seniors prefer to apply in person I am asking that we exercise this option for the protection of both the seniors and our office staff.

I attended the Sullivan County Assessors' Association meeting at Mohican Lake during December. Tax challenges seem to be at an all-time slow pace with some towns still having not receiving some case notices. We had no personal challenges so have not been affected.

## **2.5 Upper Delaware Council by Susan Sullivan, Tusten Rep**

DRBC offered presentation on Micro Plastics in the Delaware River Basin. While more prevalent in the Lower Basin, micro plastics exist in the Upper Basin as well.

The Council elected Officers for 2022. Andy Boyer Town of Highland will be Chair, and Aaron Robinson, Shohola Township, Vice Chair. Al Henry, Secretary

Andy Boyer gave a brief recap of 2021, and forward look into 2022. Highlights are;

2nd Annual Litter sweep.

This is a UDC sponsored River Access clean up, this year starting on Earth Day, Friday, April 4/22 Since we no longer have grant funds, the Council will need to rely on partners, and sponsorships. Looking for Litter Leaders from each participating Town. Last year, Evan Padua's team did a great job. This event coincides with our long-established Litter Pluck, so any trash collected will be accepted free in Sullivan County.

Long Term Fiscal Sustainability Plan Aka the Crane Report. Where do we go from here?

Council members will read the report, and attend a roundtable discussion, likely held at the Narrowsburg Union, likely in late January/early Feb., to discuss short- and long-term changes that need to be made. Both PA's Rep Tim Dugan, and NY DEC Rep Bill Rudge have offered their help as well.

DRBC Proposed Rulemaking .... Hydraulic Fracturing... waste water disposal, and water withdrawal. UDC comment letter approved

Milanville/Skinners Falls Bridge. Comment letter on Penn Dot's Purpose and Needs study approved. The comment period has been extended to February 8, and the UDC's letter is filled with

information. If you would like to see the Bridge rehabbed, put back into use as a one lane bridge, and provide a cultural/historic resource, look for UDC's letter on our website, and submit your comment.

NY DEC

Announced their annual Tree and Shrub seedling sale, actually FREE if planted in NY State, see their website.

NPS

Lauren Hauptmann, who is working remotely as the NPS Historic/Cultural person, has moved out West, and it is likely they will need a replacement, but no formal job opening has been announced

## **2.6 Energy Committee**

No report / No December Meeting

## **2.7 Zoning Update Committee**

In Progress - meeting the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the month 2:00 PM – 4 :00 PM

## **2.8 Grants by Jane Luchsinger (Deputy Supervisor)**

**January 2021**

1. Little Lake Erie Culvert project proceeding. Right of Way (ROW) process is near the end. Once complete, plus a few other steps, we can go out to bid.
2. UDC grant for the Zoning Update is on target. Committee meets 2 times per month.
3. Water system upgrade - We continue to seek external grant funding for this project. Greg Triggs and I had a zoom meeting with Congressman Delgado's office to make the Congressman aware of our need for funding and to learn of available grants.
4. Jane spoke to the USDA representative for our area with reference to REAP Zone funding. Although funding will be available, the Federal Government has not informed the USDA how much funding will be allocated for 2022. We are encouraged by the prospect of available funds.
5. Sullivan Renaissance- The Town Board will decide if we should apply for 2 Sullivan Renaissance grants: 1) a technical assistance grant for a landscape architect to design plantings for Kirk Road and 2) a Municipal Partnership grant to purchase and plant according to the plan. We hope to collaborate with the Narrowsburg Beautification Group for Sullivan Renaissance grants.
6. After a long, demanding search for appropriate documentation, we were awarded the funds to have a historic marker made to recognize the old Lava School House on Parker Road. This funding comes from the William Pomeroy Foundation.

## **PUBLIC COMMENT**

**Public Comment heard from Francesca Ochoa.** *(Please see recording for further details)*

With no further comments to be heard the public comment time was closed.

### 3 OLD BUSINESS

#### 3.1 Compensation Schedule

**RESOLUTION #20-2022**

**AMEND 2022 COMPENSATION SCHEDULE**

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

**ADOPTED 5 AYES 0 NAYS**

**RESOLVED** that the following items be added to the 2022 Compensation Schedule:

- Attorney to the Town – as per contract
- Attorney to the Town Justice Court - as per contract

#### 3.2 Board Appointments for 2022

**RESOLUTION #21-2022**

**AMEND 2022 BOARD APPOINTMENTS**

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

**ADOPTED 5 AYES 0 NAYS**

**RESOLVED** that the following items be added to the 2022 Board Appointments:

- Cleaner – James Agar
- Maintenance – Tim Belluci

### 4 NEW BUSINESS

#### 4.1 Sullivan Renaissance Grant

**RESOLUTION #22-2022**

**AUTHORIZATION TO APPLY FOR 2022 TAG & COMMUNITY IMPACT GRANT**

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

**ADOPTED 5 AYES 0 NAYS**

**RESOLVED** that Deputy Supervisor Jane Luhsinger is hereby given authorization by the Town Board of the Town of Tusten to apply for the 2022 Technical Assistance Grant (TAG) through the Upper Delaware Council (UDC); and to apply for the Sullivan Renaissance Community Impact Grants for approx. \$20,000 with a 20% matching by the Town.

#### 4.2 Sullivan County Hazardous Mitigation

**RESOLUTION #23-2022**

**SULLIVAN COUNTY HAZARDOUS MITIGATION**

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

**ADOPTED 5 AYES 0 NAYS**

**WHEREAS**, Town of Tusten, with the assistance from the Albany Visualization And Informatics Labs, has gathered information and prepared the Sullivan County Hazard Mitigation Plan; and

**WHEREAS**, the Sullivan County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, Town of Tusten is a local unit of government that has afforded the citizen and opportunity to comment and provide input in the Plan and affirms that the Plan; and

**WHEREAS**, Town of Tusten have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

**NOW THEREFORE, BE IT RESOLVED** by Town Council that Town of Tusten adopts the Sullivan County Hazard Mitigation Plan as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

**4.3 Upper Delaware Scenic Byway Contribution**

**RESOLUTION #24-2022**

**UPPER DELAWARE SCENIC BYWAY CONTRIBUTION OF 2022**

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 of Tusten Town Boards agrees and gives authorization to make a monetary contribution to the UDSB in an amount no to exceed \$1000.00 for the year 2022.

**4.4 Board of Assessment Review Reappointment**

**RESOLUTION #25-2022**

**BOARD OF ASSESSMENT REVIEW REAPPOINTMENT**

On motion of Councilman Bruce Gettel, seconded by Councilman Kevin McDonough, the following resolution was,

**ADOPTED 5 AYES 0 NAYS**

**RESOLVED** the Town Board hereby reappoint Kathleen Johnson to the BAR for a 5-year term from Sept. 30, 2021 – Sept. 30, 2026.

**4.5 NWS Septic Tank Pumping & Removal of used Filter Sand Bid**



**1 Bid Received on January 5, 2022 by Koberline \*2<sup>nd</sup> Time Town went out to Bid**

- ✓ Non- Collusion included
- ✓ Official Bid Sheet included

**RESOLUTION #26-2022**

**AWARD NWS 2022 SEPTIC TANK PUMPING & REMOVAL OF THE USED FILTER SAND**

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

**ADOPTED 5 AYES 0 NAYS**

**RESOLVED** the Town Board hereby award the bid for the NWS 2022 Septic Tank Pumping & Removal of Used Filter Sand to Koberline on recommendation of David P Bunce, Interim Superintendent as follows:

**Base Bid Price (per gallon) to include 3 emergency calls:**

**(\$0.22) Twenty-Two cents per gallon**

**Surcharge Price (per call) for emergency calls over 3:**

**(\$0.22) Twenty-Two cents per gallon**

**Labor, Hauling, Disposal of used filter sand:**

**(\$36.00/yrd) Thirty-Six Dollars per yard**

**4.6 93 Main Street Interior Demo**

Discussion held, Building Committee shall meet, review the general plan...

No action taken at this time.

**4.7 Covid Quarantine Guidelines**

**RESOLUTION #27-2022**

**TOWN OF TUSTEN COVID QUARENTINE GUIDLINES**

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 of Tusten shall follow the guidelines for Covid 19

**Quarantine** for all its employees, as per the policy of Sullivan County Public Health; and

**BE IT RESOLVED** when Sullivan County updates their policy, the town shall follow suite; and

**BE IT FURTHER RESOLVED** an at home test kits will NOT be accepted - any test submitted as proof of negative must come from a qualified provider. (Dr.'s office, pharmacy, urgent care, ect).

#### **4.8 Tusten Youth Commission Appointment**

**RESOLUTION #29-2022**

**TUSTEN YOUTH MEMBER APPOINTMENT**

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

**ADOPTED 5 AYES 0 NAYS**

**RESOLVED** that the Town Board hereby appoint Ashley Van Benschoten to the Tusten Youth Commission, on recommendation of Tusten Youth Chair, Crystal Weston.

#### **4.9 Executive Session**

**RESOLUTION #29-2022**

**ENTER INTO EXECUTIVE SESSION**

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 enter into executive session to discuss the employment of a particular individual.

\*Supervisor Bernard Johnson recused himself from the executive session prior to any discussion (left the room)

Discussion held. No action taken. No further minutes recorded.

**On motion of Deputy Supervisor Jane Luchsinger, seconded by Councilman Bruce Gettel, all in favor, 1 recusal (Supervisor Johnson), the Town Board exited Executive session at 8:07 PM**

Supervisor Johnson re- entered the meeting.

## **5 PUBLIC COMMENT**

Comment heard from Brandi Merolla (*for more details please see the recording*)

## **6 CLOSING ITEMS**

### **6.1 Board Comment**

Councilman Greg Triggs –LIHWAP will assist in paying water sewer bills.

Councilman Bruce Gettel stated that Cackletown Beaver Pond was never an adequate water source for fire protection – the hoses clog with mud immediately.

### **6.2 Meeting reminder**

Please see the Town Website and Google Calendar for meeting information as well as zoom links.

### **6.3 Adjournment**

Motion made by Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, all in favor, with no further business to be had, the Town Board Regular Meeting was closed at 8:15 PM.

Respectively Submitted,

Crystal Weston, Town Clerk