



Town of Tusten Town Board Meeting

Regular Meeting Minutes

January 10, 2023

6:30 PM

Venue: Zoom ID # 890 1678 4280; Tusten Town Community Hall, 210 Bridge Street,
Narrowsburg, New York

PRESENT

Supervisor Bernard Johnson
Deputy Supervisor Jane Luchsinger
Councilman Greg Triggs
Councilman Bruce Gettel
Councilman Kevin McDonough

OTHERS PRESENT

Crystal Weston, Town Clerk; Jocelyn Strumpfler, 2nd
Deputy Town Clerk

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1.1 Call Meeting to Order

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

1.2 Pledge of allegiance

Supervisor Johnson led the pledge of allegiance

1.3 Payment of Bills

RESOLUTION #15-2023

PAYMENT OF BILLS

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the bills be paid as presented:

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Fund Acct	Ck Acct Disburse	Voucher #'s
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General	\$61,300.43	18, 46-48
Highway	\$46,234.52	19-29
Water	\$12,303.14	30-37
Sewer	\$14,216.77	37A - 45

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lighting dist	\$1,541.18	-
escrow accts	\$1,121.25	-
TOTAL	\$136,717.29	-

2 DIVISION REPORTS

2.1 Highway Dept. – submitted by Highway superintendent Donald Nieger

- Used 1305.2 gal of diesel fuel 1207.6 gal was for highway & 97.6 was non-highway use
- Used 213.5 gal of gas, all was non- highway use
- Patched holes on dirt & paved roads
- Removed trees in road way of Swamp Pond Rd., Schalck Rd, Ackerman Rd., Hoffman Rd & Hankins Rd.
- Replaced pipe on Trout Pound B Rd
- Made sand & sat mix for winter
- Graded dirt on Hankins Rd., Bear Run Rd., & Brook Drive
- Out on snow removal several times in December
- Repaired equipment after snow removal.

2.2 Narrowsburg Water & Sewer District – Submitted by NWS District & Clerk

Narrowsburg Water & Sewer District
Monthly Report for December 2022

- Completed monthly drinking water and waste water sampling and reporting.
- Adjusted 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 and let home/building owners know about abnormally high readings which could indicate a leak.
- Koberlein pumped out sludge from dosing tanks.
- Delaware Engineering had the properties at Well #1, Well #3, and the water tank surveys for the water upgrade project.
- Had one septic tank pumped out after call of sewer issues. Installed a riser over the inlet lid.
- Fixed CE module on the handheld to read water meters after having interment issues with it.
- Marked water main on Main St.
- Shut water off at 2 houses and inspected one meter installation.

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- Flushed 1 dead end hydrant.
- Put insulation in 2-meter pits to help avoid pipes freezing.
- Replaced barrel of caustic soda at the sewer plant.
- Cleaned and organized shop.

FINANCIAL REPORT FOR DECEMBER 2022		
Narrowsburg Water		
Water Metered Rent	\$	-
Service Charge	\$	726.04
Water Penalty	\$	-
TOTAL RECEIVED		\$ 726.04
Narrowsburg Sewer		
Sewer Rent	\$	1.98
Service Charge	\$	220.00
Sewer Penalty	\$	-
TOTAL RECEIVED		\$ 221.98
GRAND TOTAL		\$ 948.02
Jocelyn Strumpfler Water & Sewer Clerk		

2.3 Building Department/ Code Enforcement – Submitted by Code Dept.

Building Inspector's Report DECEMBER 2022 Monthly Report

Construction Inspections – 18
 Fire & Safety Inspections – 0 Complaint/Violation
 Inspections – 5

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Certificate of Occupancy Issued – 1
Issued – 7

Certificate of Compliance

Total New Permits Issued – 10

New Homes – 0
Renovation/Alteration/Addition –
Chimney/Fuel – 0
Acc Bldg Comm – 0
Ren/Alt/Addition – Comm Const - 1
Deck – 0
Demolition Permit – 0
Electrical – 1
Mechanical – 0
Plumbing – 0

Accessory Building/Garage – 1
Camping - 0

New Comm Const – 0

Commercial Deck - 0
Driveway Permit – 0
Logging Permits – 0

Pool – 0

Roof Replacement - 6
Septic Permits –
Sign Permit – 1
Well – 0

Roof Structure - 0
Sidewalk - 0
Solar Permit – 0
Flood Plain Permit - 0

Expired Permit Renewals – 0

Abstracts/Violation Search – 7

Dangerous and Unsafe Building – 0

Complaints Received – 0

Complaints Closed – 0

Violations Issued – 0

Violations Corrected – 0

Previous Violations Closed/Corrected – 0

Stop Work – 1

Monies collected by this office from December 1, 2022 to December 31, 2022
are \$2,314.10.

Respectfully,
Jim P Crowley, Building Inspector

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JPC/js

2.4 Assessor

No report received.

2.5 Upper Delaware Council Submitted by Tusten Rep

January 2023 report

At the 1/5/2023 meeting the UDC voted in new officers for the calendar year. The results are as follows and will be sworn in prior to our next meeting on 2/2/23:

Aaron Robinson, Chairperson
Virginia Dudko, Vice Chairperson
Alan Henry, Secretary/Treasurer

Dave Yoxtheimer gave a presentation on Hydraulic Fracturing in the Susquehanna river basin. There has been a growth from 500 to 5,000 wells over the past decade. This development shows progression in the energy industry, but also poses threats against local communities and water/land pollution. The industry is taking steps toward better containment of off gasses and chemicals, annual testing of mining sites, and habitat restoration. Please visit www.Frackfocus.org or ask the UDC for a recorded version of his presentation for more information.

The Delaware River Basin Commission is having their Regulatory Flow Advisory Committee meeting on 1/24/23.

Lindsey Kurnath is the new UPDE National Park Service Superintendent. Michelle Stevens is a new UPDE National Park Service Biologist.

Submitted by,
Evan Padua
Tusten UDC Representative

2.6 Tusten Energy Committee – Brandi Merolla

Soft Plastic

The town is committed to the Tusten/Trex soft plastic recycling initiative. To date, the total of soft plastic delivered by the TEC to the Trex dropoff point in

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Honesdale is over **9 tons** which is over **18,000 pounds**. Dropoff points in Tusten are in the lobby of Pete's Market, the Post Office and at The Union. Only clean, dry, soft plastic is accepted.

LED Streetlights

The town has waited 2 years since 95% of our LED streetlights replaced antiquated, mismatched streetlights owned by NYSEG. To complete the install of our new town owned LED streetlights, the 6 Main St pendant lights need to be hung and fitted with WiFi capability. We are awaiting the brackets to hang the units. I've been told by NYPA that they should be ready shortly.

The bank parking lot poles will be installed this spring once the ground isn't frozen. Then we will be 100% up and running.

On another note, our maintenance program with NYPA has begun even though the install isn't complete. They realized that the town isn't responsible for the delay, and we're covered if needed.

HORSE

The town is waiting to get approval from the NYS Comptroller's Office in Albany for the \$200,000 Continuation Grant we've been awarded from NYS DEC to upgrade parts for the HORSE, move it to Cornell Cooperative, and to train an operator. It will be a part of a food recovery system where food scraps are fed into the Tusten HORSE, plant food is produced and applied to vegetables in their garden, culinary students will cook food for the hungry in the county.

Bank Building

The \$10,000 NYSERDA grant is within our reach. The TEC needs to hang a plaque stating that the town owned building at 93 Main St has installed air source heat pumps to save money and energy with a clean energy source. The plaque has been paid for by the TEC and is ready to be hung.

We are awaiting some energy data from the town bookkeeper for the bank building after the units were installed. We can provide an energy estimate for the grant prior to town ownership for electric and oil use using square footage of the building.

On the grant form they ask that the building be owned and operated by the town. Because the town won't be operating the building, Ben didn't feel he could sign onto the grant application. But the Mid-Hudson Clean Energy Communities Manager checked with NYSERDA, and they were told that since the town owns the building and installed the units, they don't have to operate the building. However, Ben wanted to hear that from NYSERDA directly. I have suggested that Ben add a clarification on the grant application that clearly states that we installed the units but will not be operating the building. The energy saving units

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will be used in heating and cooling operations of the building regardless of the tenant.

2.7 Conservation Advisory Council

- Meets once a month
- Discussed starting an Educational Series

2.8 Zoning Update

- In Progress
- Cannabis LL in progress

2.9 Water & Sewer Committee

The Water/Sewer committee met January 9 at 8:00 am.

1. Update of Infrastructure Project –
 - The survey has been completed to determine if the new water storage tank will fit on the property. It will.
 - A soil test needs to be performed.
 - Trees need to be cleared.
2. The committee needs to address the sewer rates and adjust them to adequately reflect the departmental expenses.
3. Those residents in the Water District will be receiving a questionnaire asking them to identify the type of pipe that connects to the water meter, i.e. cooper, lead, PVC, etc. This is required by New York State. If you are unable to identify the type of pipe, please call the water district and make an appointment for them to come to your home/business.

2.10 Building Committee

- No Report at this time

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2.11 Grants – Jane Luchsinger

1. 2023 UDC grant to update zoning - committee continues to meet every 2 weeks
2. Little Lake Erie Culvert – Schumaker Engineering and NYS Department of Transportation are coordinating this project.
3. Water infrastructure project – The project continues to be coordinated by Delaware Engineering.
4. Conference call with Eileen Gunther 1/10/23

No new grants in the works.

3 PUBLIC COMMENT – the following made comments:

- Star Hesse

4 OLD BUSINESS

4.1 Review & Award NWS Septic Tank Pumping & Removal of used Filter Sand Bid 1 Bid Received – Koberlein RESOLUTION # 16-2023

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board motion to award the NWS Septic Tank Pumping & Removal of used Filter Sand Filter to Wind River Environmental at the rate(s) of:

Septic Tank Pumping

Base Price per gallon to include 3 emergency calls

Twenty-Four cents (\$0.24) per gallon

Surcharge Price (per call) for emergency calls over three

(\$0.27) Twenty-Seven Cents per Gallon

Labor Hauling & Disposal of Filter Sand

Thirty-Nine Dollars (\$39.00) per yard

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4.2 Amend Compensation Schedule

RESOLUTION # 17-2023

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board motion to add the Part Time Position HMEO at the pay rate of \$26.17

4.3 Acknowledgement of Hire

RESOLUTION # 18-2023

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board motion Superintendent Donald Nieger to hire Don McConnell to the Part Time HMEO Position for snow removal as of December 14, 2022.

5 NEW BUSINESS

5.1 Tusten Youth Appointments

RESOLUTION # 19-2023

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board motion to make the following appointments to the Tusten Youth Commission:

Crystal Weston	Chair
Lauren Smith	Vice
Kelly Agar	Treasurer
DeEtte Saul	Secretary
Jocelyn Strumpfler	Member
Ashley Vanbenschoten	Member
Evelyn Dexter	Member

5.2 Tusten Youth Contract

RESOLUTION # 20-2023

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On the motion of Supervisor Johnson, seconded by Councilman Triggs the following resolution was

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board motion to sign the agreement as presented:

THIS AGREEMENT, between the Town of Tusten and the Tusten Youth Commission as of January 1, 2023

WHEREAS, the Town of Tusten wishes to facilitate the funding of the Tusten Youth Commission for the benefit of the youth of the Town of Tusten.

WHEREAS, the Tusten Youth Commission wishes to institute activities for the benefit of the youth of the Town of Tusten.

IT IS THEREFORE AGREED by and between the parties:

1. That the Town of Tusten shall fund the Tusten Youth Commission to the extent of **Twenty Thousand (\$20,000.00) Dollars**.
2. That the above **Twenty Thousand (\$20,000.00) Dollars** or part there of stated shall be paid to the Tusten Youth Commission as reimbursements are received from the State of New York through the Sullivan County Youth Services; and,
3. That the Tusten Youth Commission will use those funds disbursed to them by the Town of Tusten for the use and benefit of the youth in the Town of Tusten.

5.3 Ambulance Protection

RESOLUTION # 21-2023

On the motion of Deputy Supervisor Luchsinger, seconded by Councilman Gettel the following resolution was

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board accept the Ambulance Protection Contract as presented:

CONTRACT FOR AMBULANCE PROTECTION

THIS AGREEMENT MADE AS OF January 1, 2023 by and between the **TOWN BOARD OF THE TOWN OF TUSTEN**, a municipality located in the Town of Tusten, County of Sullivan and State of New York, hereinafter referred to as "Town" and **Tusten Ambulance Corp.**, a non-profit membership corporation located at Narrowsburg, Sullivan County, New York, hereinafter referred to as "Ambulance Corps".

WITNESSETH:

WHEREAS, there has been established in the Town of Tusten the Ambulance Corps which has been and is providing necessary and appropriate ambulance and emergency service within the Town of Tusten and surrounding territory under the plan of ambulance service adopted by the Ambulance Corps, and

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The Town duly authorized a contract with the Ambulance Corps for ambulance service when and if required to the Town of Tusten upon the terms and provisions herein set forth, and

WHEREAS, this contract has also been authorized by the authorized and delegated representatives of the Ambulance Corps,

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS;

1. The Town does hereby engage the services of the Ambulance Corps to furnish ambulance service within the Town of Tusten and the Ambulance Corps agrees to furnish said ambulance service in the manner following, to wit:

(a) The Ambulance Corps shall, at all times during the period of this agreement, be subject to call for attendance upon any emergency, accident, illness, and/or occurrence in said Town and when notified by alarm or telephone call from any person within the Town of an accident situation, and/or occurrence, where the services of an ambulance is required, shall respond and attend at the place or places where required, without delay, with one or more ambulances with appropriate emergency medical equipment and trained members of the Ambulance Corps. Upon arriving at the scene where the services of the Ambulance Corps are required, the members of the crew of the Ambulance Corps so attending shall proceed diligently and, in every way, reasonably necessary and suggest in order to effect the appropriate emergency treatment and/or transportation to the nearest or most convenient hospital or other medical facility with the purpose and intention of saving the life and/or preserving the health of the individual or individuals involved.

2. In consideration of furnishing the ambulance services as here in above provided, including the equipment, medical supplies, and trained ambulance crew as aforesaid, the Ambulance Corps shall receive the sum of **twenty thousand dollars (\$20,000.00)** per annum and the Town covenants and agrees to pay the same to the Ambulance Corps annually.

3. All monies to be paid under any provision of this agreement shall be a charge upon the Town of Tusten to be assessed and levied upon the taxable property within the Town of Tusten and collected with the Town taxes.

4. This agreement shall continue for a period of one (1) year and shall be deemed to commence from **January 1, 2023 to December 31, 2023**, inclusive. This agreement may be renewed and extended by mutual consent annually upon the same terms and conditions for a period not to exceed four (4) additional years. Any notice required or provided for in this agreement shall be served in the same manner as required for the service of a summons in the Supreme Court.

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5.4 New York Police Rental

RESOLUTION # 22-2023

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board motion to authorize the Lease Agreement for NYS Police Barracks in the amount of Thirteen Thousand (\$13,000) Dollars

5.5 Upper Delaware Scenic Byway Contribution

RESOLUTION # 23-2023

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

ADOPTED 5 AYES 0 NAYS

RESLOVED that the Town Board motion to make the voluntary contribution in the amount of \$1,000.00 toward the 2023 operational expenses to the Upper Delaware Scenic Byway

5.6 Liquor License

RESOLUTION # 24-2023

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board herby waives its right to a 30 day hold and consents to the processing an issuance of the licences to Mefrey Corp at 90 Main St.

5.7 Conservation Advisory Council Terms of Office

RESOLUTION # 25-2023

On the motion of Supervisor Johnson, seconded by Councilman Triggs the following resolution was

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board motion to set the terms of Office as follow

Jane Luchsinger	<u>2023</u>
Bernie Lohman	<u>2024</u>
Alexandra Climent	<u>2025</u>
Cathleen Breen	<u>2026</u>
Donovan Sylvest	<u>2027</u>

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5.8 Executive Session

RESOLUTION # 26-2023

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board motion to enter into executive session at 7:14pm for the purpose of discussing the Proposed Lease of Real Property.

Discussion held.

No actions taken.

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, all in favor. The Executive session closed at 8:00pm.

5.9 Executive Session

RESOLUTION # 27-2023

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board motion to enter into executive session at 8:00pm for the purpose of discussing the Collective Bargaining Agreement.

Discussion held.

No actions taken.

On motion of Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, all in favor. The Executive session closed at 8:20pm.

5.10 Recess Regular Town Board Meeting

RESOLUTION # 28-2023

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board recess to January 18th, 2023 at 4:30pm

PUBLIC COMMENT

No comments were heard at this time

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CLOSING ITEMS

Adjournment

With no further business to be had, a motion was made by Supervisor Bernard Johnson, seconded by Deputy Supervisor Jane Luchsinger, All in favor. Town Board Closed the meeting at 8:30 PM.

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