

Town of Tusten

Town Board Meeting



Regular Meeting Minutes

October 10, 2023, 2023

6:30 PM

ZOOM ID: 890 1678 4280

VENUE: Tusten Community Hall, 210 Bridge Street, Narrowsburg, NY 1276

PRESENT

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

OTHERS PRESENT

Crystal Weston, Town Clerk; Leigh Delaney, Deputy Town Clerk

ABSENT

Councilman Bruce Gettel

1 OPENING ITEMS

1.1 Call Meeting to Order

Supervisor Bernard Johnson called the meeting to order at 6:30pm

1.2 Pledge of allegiance

Supervisor Bernard Johnson led the Pledge of Allegiance

1.3 Payment of Bills

RESOLUTION #109-2023

PAYMENT OF BILLS

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

ADOPTED 4 AYES, 0 NAYS, 1 ABSENT

RESOLVED that the bills be paid as presented:

Fund Acct	Ck Acct Disburse	Voucher #'s	Late Bills
General	\$72,306.88	617-641,672	613,612,614,609
Highway	\$313,834.26	642-653,673	611,610
Water	\$13,341.33	654-661,674	615
Sewer	\$21,283.24	662,663,664A,664-671,675	616
Lighting District	-		
Escrow Accts	-		

Town of Tusten

Town Board Meeting

Capital General	-		
Capital Highway	\$140,749.22	676	
Capital Water	\$46,930.78	677	
TOTAL	\$608,445.71		

2 DIVISION REPORTS

Some reports have been sent to the board in advance of the meeting, therefore they are not read out loud at the meeting; copies of all reports may be obtained at the Town Clerks Office.

2.1 Highway Department – Donald Neiger

- Used 981 gal of diesel fuel; 912.7 gal was for highway and 68.3 was non highway use.
- Used 263.3 gal of gas; 0 was highway.
- Patched holes on dirt and paved roads.
- Removed trees in road way from storms, & repaired wash outs.
- Ditched Half Moon Rd, Lake Ridge Rd, Grassy Swamp lower side, Blind Pond.
- Chip sealed Hoffman Rd, Mahls Pond Rd, and Weber Rd with the help of Suit-Kote.
- Graded dirt roads.
- Mowed grass on right of ways
- Replaced pipes on Kirk Rd and De Mauro Lane, paved parts.

2.2 Water & Sewer Department

NARROWSBURG WATER & SEWER	
-	
FINANCIAL REPORT FOR SEPTEMBER 2023	
Narrowsburg Water	
Water Metered Rent	\$ 6,534.73
Service Charge	\$ 892.94
Water Penalty	\$ 637.52
TOTAL RECEIVED	\$ 8,065.19
Narrowsburg Sewer	

Town of Tusten Town Board Meeting

Sewer Rent	\$ 3,166.28
Service Charge	\$ 50.00
Sewer Penalty	\$ 339.45
TOTAL RECEIVED	\$ 3,555.73
GRAND TOTAL	\$ 11,620.92
Jocelyn Strumpfler Water & Sewer Clerk	

2.3 Building Department/ Code Enforcement

Construction Inspections – 21

Fire & Safety Inspections – 0

Certificate of Occupancy Issued – 1

Complaint/Violation Inspections – 0

Certificate of Compliance Issued – 13

Total Permits Issued - 11

New Homes – 1

Renovation/Alteration/Addition – 2

Chimney/Fuel – 0

Ren/Alt – Comm Const – 0

Demolition Permit – 1

Electrical – 0

Mechanical – 2

Plumbing – 0

Roof Replacement – 2

Septic Permits – 2

Sign Permit – 0

Well – 0

Accessory Building/Garage – 0

Camping - 0

Acc Bldg Comm – 0

New Comm Const – 0

Deck – 1

Commercial Deck - 0

Driveway Permit – 0

Logging Permits – 0

Pool – 0

Roof Structure - 0

Sidewalk - 0

Solar Permit – 0

Permit Renewals - 1

Flood Plain Permit – 0

Abstracts/Violation Search – 4

Dangerous and Unsafe Building – 0

Complaints Received – 0

Complaints Closed – 0

Town of Tusten

Town Board Meeting

Violations Issued – 0

Previous Violations Closed/Corrected – 0

Violations Corrected – 0

Stop Work – 1

Monies collected by this office from September 1, 2023 to September 30, 2023 are \$2,331.00

Respectfully,

Jim P Crowley, Building Inspector

JPC/js

2.4 Assessor – Kenneth Baim

September 2023

We attended the September Sullivan County Assessors' meeting in Rock Hill. While some discussion of tax small claims was held and the horror stories associated with it, the main topic was the new volunteer/firemen's exemption. Most local governments seem to be waiting on the results of the County Legislature and what benefits they will be giving. There are many variables available for the local option, including most importantly the percent of the exemption being given. It is not capped and can go up to 10% but many be set at a lower percentage. In conclusion the end game is that this exemption law is written in a way that makes the administration of the exemption extremely complicated.

We have received several address corrections from the school tax bill mailing which will be processed before the information is submitted for the January town/county tax bills. Complaints on school tax amount have been minimal this year as there was a slight decrease in the tax rate for Tusten parcels in the Sullivan West School district.

We have begun preparing for the full value measurement appraisals that will be conducted by Department of Taxation and plan a conference with the appraiser soon. Pulling the files for this information has been a challenge for Peg due to the office construction and the fact that the assessments files are still located in this construction area.

Our small claims hearing was held virtually on September 15th. Results should be received within 30 days. There seemed to be absolutely no agreement between our position of value and that of Adventine Properties. Hopefully the work we put in to support the assessment will prevail. As the subject was a ranch style home, we presented valuation from four additional ranch style home sales which easily supported the assessment of the subject. Adventine presented sales for two older, deteriorated two story homes. It all came down to "how to lie with statistics"!

Respectfully submitted,

Ken Baim

Sole Assessor

2.5 Upper Delaware Council

- The Technical Assistance Grant of \$10,000 for the Open Space and Recreation Plan (part 1) for the town of Tusten, has been approved.
- The Delaware Aqueduct shutdown is on schedule for the fall of 2024.
- There is a newly discovered Beech Leaf disease which kills Beech trees. It is in our area and people will notice Beech trees dying

Town of Tusten

Town Board Meeting

2.6 Energy Committee

No report.

2.7 Zoning Revision Committee

No report.

2.8 Conservation Advisory Committee

- The committee will be meeting on a regular basis since the National Fish and Wildlife Foundation grant for an Open Space and Recreation Plan has been awarded.

2.9 Narrowsburg Water & Sewer Committee

- The Water/Sewer committee met October 2, 2023 at 8:00 am.
- The committee reviewed correspondences received.

Water

- Well #1 and sewer pump were both affected by lightening in addition to the generator. We are trying to have repairs reimbursed by insurance.
- Well # 2 has not been used for service since the flooding of 2006 but is now being brought back in-line.
- A new meter was installed on Well #1 and appears to be more accurate than the former old meter.

Sewer

- The remainder of the meeting was devoted to reviewing possible scenarios regarding future billing. Increases in sewer billing have not occurred for many years and billing revenue does not cover expenses. The committee agreed to raise the base rate \$11.40/quarter and additionally bill \$8.88/1,000gal water used.
- This option was chosen because the base rate reimburses approximately 71% of the expenses and the remainder will be made from actual usage of the billing unit as determined by their water usage. This method of linking sewer with water usage is a successful common practice in many communities.
- We thank the efforts of RCAP and their in-depth report guiding us toward a just billing solution.

2.10 Grants

1. Little Lake Erie Culvert – Project appears to be progressing as per timetable and is scheduled to be finished by the first week of November.
2. Water infrastructure project – The project continues to be coordinated by Delaware Engineering
3. Playground project is project is ongoing. The mound for small children has been ordered.
4. We await a contract for our National Fish and Wildlife Foundation grant to develop an Open Space and Recreation Plan for the Town of Tusten.
5. The UDC check for \$8,622.50 from our 2023 project has been received. In addition, the UDC has awarded the Town of Tusten \$10,000 to use towards our match for the National Fish and Wildlife grant.

Town of Tusten

Town Board Meeting

6. The Building Committee has met with Buck Morehead, Architect to develop a plan for the reconfiguring of Town Hall office and public space.

2.11 Tusten Youth Commission

- Our Storage container is now in place and ready to install basic electric for lighting and solar cooling/vent fans
- Halloween Oct 21, 2023 we are looking for people to participate in our Trunk R Treat, otherwise the plans are underway 4 – 7 PM at the Playground/Baseball field for our Halloween Bash!
- Wednesday's After School Program
 - Average 30 - 37 kids every week!
 - They are working on community murals, at town hall and in the library.
 - This week we are bringing back the plastic recycling program with Tusten Social
 - Christmas Magic, Dec 2, 2023

3 PUBLIC COMMENT

Jim Powell

-Recognized Deputy Supervisor Jane Luchsinger and all that she has contributed to the town over her years of service.

-Town is not stepping up to provide long term support of projects and requested assurances the board is committed to long term support of current projects

-Requested an update on the Car Barn as it has been cited with violations

Town Attorney Kenneth Kline explained due process in regards to demolition of a building

Michael Farrell

-Asked if computation of sewer rates required metering or if rates were based on water use

Supervisor Johnson responded that it did not require an additional meter

Vanessa Reeves

-Is having noise issues with a neighbor and asked about the town guidelines regarding audible, video alarms and the volume of alarms and if a permit is required

-Emphasized the need for an animal control officer

Jill Fruchter

– Follow up and workshop for park project

Town of Tusten

Town Board Meeting

Supervisor Johnson mentioned it would be an agenda item for November's meeting

Alison Norris

-Playground -Who is the park for? The median age on the flats is 40 years old, who is going to use the park?

Star Hesse (submitted a written copy of comments)

-Status of LED Lights on Main Street

Supervisor Johnson stated that after numerous conversations with Verizon he is still waiting for a SIM card

-Who owns the light in the Library Parking lot and is paying for it?

NYSEG owns the light and have an outstanding work order to reset it

-Is there any news on the status of the installation and startup of the Town WIFI installation on Main Street LED lights and what areas will be covered when this is finally available?

Supervisor Johnson responded that the quote from Pioneer was \$930.00 per month and Spectrum was even higher than that so the town is not moving forward with additional WIFI service at this time.

What is the status of the request for the Town to provide access to ADA compliant, public toilet(s) on Main Street or elsewhere in accessible locations in Town? It is hard to understand why some Town Board members are so insistent that a building on the flats has a toilet to serve a limited number of Town's people, but adamantly opposes a public access bathroom in Town.

Supervisor Johnson stated that there was no plan to install public toilets on Main Street and as it is not required by building code because it is not designated as a place of public assembly.

-Addressing the adamant demand from some to build a pavilion in a designated flood zone, does it make sense to spend hundreds of thousands of dollars on a building in an area already marked as being flood prone. Can you even get flood insurance for such a building, and if so, how much would that insurance cost?

Supervisor Johnson mentioned that everything is insured on the flats. He did not have the cost readily available.

Iris Helfeld

- Park/Flats wants and needs; needs deciduous shade trees, Shade sails from May – October, Benches, completed walking path, regular maintenance, one ADA port-a-pot

-do not need a Pavilion, plumbed toilets, stadium lighting

-suggests that during public comment speaker identifies themselves giving, name and name of town where they vote

Patty- Requested policy and procedure for Halloween event, asked about capacity limit for events and hoped that there was a safety plan for the bonfire.

Town of Tusten

Town Board Meeting

Town Clerk, Crystal Weston commented that the event usually draws 300-500 people, that there is a comprehensive safety plan in place and will be executed with support and assistance from Narrowsburg Fire Department.

4 OLD BUSINESS

- 4.1 Park Project -Committee will look at policy and procedures regarding the park and usage
-A representative of Sullivan 180 will be coming to speak to the board at the next meeting regarding their grant and clear up any questions or concerns

5 NEW BUSINESS

- 5.1 Budget Workshop Dates

RESOLUTION # 110-2023

BUDGET WORKSHOP SCHEDULED

On motion of Supervisor Bernard Johnson seconded, by Councilman Greg Triggs

ADOPTED 4 AYES 0 NAYS 1 ABSENT

RESOLVED that the Town Board will meet on October 17, 2023 at 10:00am and if needed October 18th at 10:00am.

- 5.2 Public Hearing for Budget

RESOLUTION #111-2023

PUBLIC HEARING FOR BUDGET

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

ADOPTED 4 AYES, 0 NAYS 1 ABSENT

RESOLVED that there will be a public hearing for the 2024 Town Budget on November 6, 2023 at 6:30pm followed by a work session.

- 5.3 Set Public Hearing for Sewer Rate

RESOLUTION #112-2023

PUBLIC HEARING FOR SEWER RATE

On motion of Supervisor Bernard Johnson, seconded by Kevin McDonough the following resolution was,

ADOPTED 4 AYES 0 NAYS 1 ABSENT

RESOLVED that there will be a public hearing for the Town Sewer Rates.

- 5.4 Youth Grant Application Approval

RESOLUTION #113-2023

AUTHORIZATION TO APPLY FOR GRANT FOR TUSTEN YOUTH

Town of Tusten

Town Board Meeting

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

APOPTED 4 AYES, 0 NAYS 1 ABSENT

RESOLVED that Crystal Weston has permission to seek grant funding for The Tusten Youth.

5.5 Advertise for Dog Control Officer

RESOLUTION #114-2023

AUTHORIZATION TO ADVERTISE THE POSITION OF ANIMAL CONTROL/DOG CONTROL OFFICER

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

ADOPTED 4 AYES, 0 NAYS 1 ABSENT

RESOLVED that authorization has been granted to advertise for the position of Animal Control/ Dog Control officer.

5.6 Accept Resignation of Highway Heavy Machinery Equipment Operator

RESOLUTION #115-2023

ACCEPT RESIGNATION OF HIGHWAY MACHINERY/EQUIPMENT OPERATOR

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

ADOPTED 4 AYES, 0 NAYS 1 ABSENT

RESOLVED that the resignation of Corey Dexter from his position as Highway Machinery Equipment Operator is accepted by the Town Board effective October 19, 2023.

5.7 Advertise for Highway Position

RESOLUTION #116-2023

AUTHORIZATION TO ADVERTISE THE HIGHWAY MACHINERY EQUIPMENT OPERATOR POSITION

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

ADOPTED 4 AYES, 0 NAYS 1 ABSENT

RESOLVED that the Town Clerk is authorized to advertise the Highway Machinery Equipment operator.

5.8 Winter Road Restrictions

RESOLUTION #117-2023

AUTHORIZATION OF WINTER ROAD RESTRICTIONS

On motion of Supervisor Bernard Johnson, seconded by Councilman Kevin McDonough, the following resolution was,

ADOPTED 4 AYES, 0 NAYS 1 ABSENT

RESOLVED that The Town Board authorizes winter road restrictions, there will be No Overnight Parking on Main Street from 11pm to 6am from November 15, 2023 through April 25, 2024 to facilitate snow removal.

Town of Tusten

Town Board Meeting

The following roads will be closed for temporary discontinuance of snow plowing, sanding and ice removal in accordance with Highway Law 205, between **December 1, 2023 and April 1, 2024**;

Irishtown Rd: End of blacktop to bottom of Smith-Hughes.

Deep Hollow Rd: from Lackawaxen Rd. and Cohecton Turnpike to second house near County Rd. 22.

Cohecton Turnpike: from Mahls Pond Rd to St. Hwy 97 to Ten Mile River Rd #10.

Tusten Road: from St. Hwy 97 to Stone Arch Bridge to railroad tracks.

Blind Pond Road: From Whippoorwill Hunting Club to the town line.

LAKE ERIE RESTRICTIONS

During the winter months from **November 1, 2023 through April 1, 2024**, motorized vehicles, i.e., Snowmobiles, all-terrain vehicles and cars will not be allowed access to Little Lake Erie.

WINTER WEIGHT RESTRICTIONS

Seasonal weight restrictions on certain roads (stated below) shall be in effect:

Whereas, the Highway Superintendent of the Town of Tusten has made known to the town board of the Town of Tusten that the following roads are in danger of sustaining damage due to the present condition of the traveled roads and weather conditions as a result of trucks in excess of ten (10) tons: Ackerman, Blind Pond, Brook Rd, Buddenhagen, Cohecton Turnpike, Crawford, Daub, Dexheimer, Evergreen, Francis Drive, Grassy Swamp, Hoffman, Humphrey, Lackawaxen, Irishtown, Mahl's Pond, New Weiden, Parker, Perry Pond, Ryer, Schalck, Swamp Pond, Trout Pond A&B, and Wood Oak and it being the opinion of the Town Board that such town highways would be materially injured by the operation of any such vehicle thereon during the months of November through April inclusive and pursuant to authority contained and set forth in Vehicle and Traffic Law Section 1660 (11),

NOW THEREFORE, be it resolved and determined that the Town exclude from heretofore mentioned roads any vehicle with a combined weight of truck and its load in excess of 10 tons during the months of February through April inclusive, each year, and exceptions being necessary deliveries to residents as well as school buses. The exclusion shall remain in effect until the removal of signs as directed by the Town Board.

5.9 Halloween Curfew

RESOLUTION #118-2023

AUTHORIZE CURFEW FOR HALLOWEEN

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

ADOPTED 4 AYES, 0 NAYS

RESOLVED that the Town Board hereby authorizes a curfew shall be and hereby is placed in effect as follows: No youth actually or apparently under the age of 18 shall be at large within the Town of Tusten, unless accompanied by his or her parent or legal guardian or gainfully employed, between the hours of 9 p.m. on October 30th 2023 through 6:00 am on October 31, 2023 and from 9:00 pm October 31, 2023 through 6:00 am on November 1, 2023.

6 **PUBLIC COMMENT**

Sue Powell

Town of Tusten

Town Board Meeting

- There are a group of people from the flats that meet regarding the pavilion would like:
- Sail cloth structure
- plant fast growing deciduous trees
- would like to see a copy of the grant application (*was told a FOIL request should be completed*)
- the planting on Kirks Road is a meadow, meadows need to be mowed each year to scatter seeds
- Horse shoe pit on the flats is not clearly defined and horse shoes are long gone
- Complete the sidewalk to nowhere
- Planters at the edge of road were beautiful when installed but have not been maintained
- "Why should I trust the Board to keep up a pavilion?"

Naomi Hollic

- What has been planned for clean up after the Halloween event
- Crystal Weston explained that the Tusten Youth Moms will stay and clean up.*
- Kelly Agar clarified that the Trunk and Treat was over at 7pm and a final fire show from 7:00-7:30pm.*

Iris Helfeld

- Grandiose Bonfire-hoping pumper trucks will be there
- Crystal Weston spoke about the safety plan and that Narrowsburg Fire Dept will be there*
- With 300-500 people coming concerns with parking, has The Launderette been told?
- Crystal spoke about past events and flow of traffic and thanked Iris for suggesting notifying the Launderette.*
- Requested clarity regarding 2 open Town Board positions and 3 people running
- Supervisor Johnson explained that the 2 candidates with the most votes will secure the two open seats.*

Vanessa Reeves

- Mentioned that her business is available if the Town needs cleaning services
- spoke about the value of having a park and bathrooms in the park
- just hearing about the plan for a pavilion happy to give it to the Town, she likes to support the School and the Town

Sue Powell

- If you don't mow a meadow each year it reverts back to what it was before.

Kathleen Hector

- at the September 12th meeting requested two items
- Trimming the foliage blocking the Parking sign by the railroad bridge
- Supervisor Johnson explained it is not a town or county sign*
- Requested cost of pavilion
- Supervisor Johnson mentioned that cost request should be FOILED*
- Public bathroom – suggested that DVAA has a large building perhaps they would make a bathroom available

7 Executive session

RESOLUTION #108-2023

EXECUTIVE SESSION

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

ADOPTED 5 AYES 0 NAYS 1 ABSENT

RESOLVED that the Town Board enter executive session at 7:59 pm with the purpose to discuss acquisition and disposition of real property.

Town of Tusten

Town Board Meeting

No decisions made

no minutes taken

On motion of Deputy Supervisor Luchsinger, seconded by Supervisor Johnson, executive session at 8:14pm

8 CLOSING ITEMS

Adjournment

With no further business to be had, the meeting closed at 8:15pm on motion Supervisor Johnson, seconded by Deputy Supervisor Luchsinger

Respectfully Submitted,
Crystal Weston, Town Clerk