



Town of Tusten Town Board Meeting

Regular Meeting Minutes

September 12, 2023

6:30 PM

VENUE: Tusten Community Hall, 210 Bridge St, Narrowsburg, NY 12764 & Zoom

PRESENT

Supervisor Bernard Johnson
Councilman Greg Triggs
Councilman Kevin McDonough
Councilman Bruce Gettel
Deputy Supervisor Jane Luchsinger (arrived at 6:55pm)

OTHERS PRESENT

Crystal Weston, Town Clerk; Victoria Strumpfler, Deputy Town Clerk; Leigh Delaney, 3rd Deputy Town Clerk

1.0 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 Announcements

Correspondence from DVAA

Big Eddy Film Festival

Use of parking lot for food trucks

1.3 TYC Halloween Request- Rd closure/Park usage

Saturday Oct 21, 2023 4:00pm – 10:00pm

1.4 Payment of Bills

RESOLUTION #100-2023

PAYMENT OF BILLS

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

ADOPTED 4 AYES 0 NAYS 1 ABSENT (Jane Luchsinger was absent)

RESOLVED that the bills be paid as presented:

Ck Acct Disburse

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Fund Acct

General	\$91,715.99
Highway	\$152,676.27
Water	\$18,135.48
Sewer	\$17,511.67
Lighting District	\$792.06
Escrow Accts	\$633.75
Capital General	-
Capital Highway	\$555,551.64
Capital Water	\$63,460.50
TOTAL	\$900,477.36

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**

- Used 1053.8 gal of diesel fuel and 946.3 gal was for highway and 107.5 was non highway use.
- Used 308.8 gal of gas 0 was highway.
- Patch holes on dirt and paved roads.
- Removed trees in road way from storms repair wash outs.
- Ditched Hoffman Rd, Mahls Pond Rd and Weber Rd.
- Paved Hoffman Rd, Mahls Pond Rd and Weber Rd with the help of Suit-Kote.
- Graded dirt roads.
- Mowed grass on the right of way.

2.2 **Water & Sewer Department**

- Tested wells and sewer plant daily to ensure the drinking water and wastewater quality met federal and state standards. Made adjustments as needed.
- Completed monthly drinking water sampling, wastewater sampling, reporting for the DOH and DEC.
- Completed Disinfection Byproducts sampling.
- Did water meter readings every Wednesday in the month of August and contacted home and building owners with unusually high water use to help them track leaking pipes or fixtures.
- Mowed at the sewer plant, Wells #1, #2, and #3, and Kirk Rd pump station.
- Koberlein pumped out and cleaned sludge from the dosing tanks at the sewer plant.
- Inspected and tested all pump and grinder stations.
- Responded to one afterhours call at Kirk Rd pump station for high temperature alarm.

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- Pulled weeds and removed sludge from the sand beds at the sewer plant.
- Installed new flowmeter at Well #3 and had TAM replace leaking valve.
- Responded to 1 call about low water pressure.
- Responded to 2 calls about dirty water.
- Flushed 2 fire hydrants.
- Koberlein pumped 3 septic tanks filled with grease.
- Suit-Kote filled their water truck with 1 fire hydrant on Rt. 97 for the tar & chipping on Rt. 97.
- Environmental Service and Equipment Co. helped diagnose issue with chlorinator at Well #3.
- Phoenix Enterprises installed new sewer line for 104 Main St. Got GPS marks of new lines and cleanouts that were installed.
- Located new water main under temporary bridge for Rutledge at the bridge project.
- Responded to 2 emergency UDIG NY dig requests for NYSEG.
- Responded to 1 regular UDIG NY dig request.
- Pheonix Enterprises capped and filled old septic tank at 104 Main St with concrete.
- Pump #2 at Kirk Rd pump station is inoperable. Koberlein will be replacing the pump.
- Koberlein pumped septic tanks at Lander’s Campgrounds.
- Attended NYRWA class at their headquarters in Claverack, NY and had interview with Department of Labor for apprenticeship.
- Phoenix Enterprises installed new manhole at 104 Main St.

NARROWSBURG WATER & SEWER	
FINANCIAL REPORT FOR AUGUST 2023	
Narrowsburg Water	
Water Metered Rent	\$ 23,857.95
Service Charge	\$ 603.54
Water Penalty	\$ 624.10
TOTAL RECEIVED	
\$ 25,085.59	
Narrowsburg Sewer	
Sewer Rent	\$ 16,217.72
Service Charge	\$ 510.00
Sewer Penalty	\$ 411.67
TOTAL RECEIVED	
\$ 17,139.39	
GRAND TOTAL	
\$ 42,224.98	

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Jocelyn Strumpfler
Water & Sewer Clerk

2.3 Building Department/ Code Enforcement

Town of Tusten Building Inspector's Report AUGUST 2023 Monthly Report

Construction Inspections – 26

Fire & Safety Inspections – 0

Complaint/Violation Inspections – 1

Certificate of Occupancy Issued – 3

Certificate of Compliance Issued – 4

Total Permits Issued – 18

New Homes – 0

Renovation/Alteration/Addition – 0

Chimney/Fuel – 2

Acc Bldg Comm – 1

Ren/Alt – Comm Const - 1

Deck – 1

Demolition Permit – 2

Electrical – 3

Mechanical – 1

Plumbing – 0

Roof Replacement – 1

Septic Permits – 0

Sign Permit – 1

Well – 0

Accessory Building/Garage – 2

Camping - 1

New Comm Const – 0

Commercial Deck - 0

Driveway Permit – 1

Logging Permits – 1

Pool – 0

Roof Structure - 0

Sidewalk - 0

Solar Permit – 0

Permit Renewals - 1

Flood Plain Permit – 0

Abstracts/Violation Search – 2

Dangerous and Unsafe Building – 0

Complaints Received – 0

Violations Issued – 1

Previous Violations Closed/Corrected – 0

Complaints Closed – 0

Violations Corrected – 0

Stop Work – 1

Building Clerk attended online training for Issuing Violation Notices and Enforcement and The Road to Recovery on August 11, 2023.

Monies collected by this office from August 1, 2023 to August 31, 2023 are \$3,541.50

Respectfully,
Jim P Crowley, Building Inspector

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JPC/js

2.4 **Assessor** – Submitted by Ken Baim, sole assessor

During the month of August, we attended the Sullivan County Assessors' meeting in Town of Thompson. Some assessors reported on their small claims court sessions with Adventine Properties claims being a common problem for all. Our trial is set for September 15th on the one case Tusten has with Adventine. Negotiation of a settlement before trial was unsuccessful.

Data was updated and submitted to Telescent for the processing of the school tax bills. The August sales report was prepared and submitted to Department of Taxation.

2.5 **Upper Delaware Council**

No report Rcv'd

2.6 **Energy Committee**

Town of Tusten has received the second payment from the HORSE transfer

2.7 **Zoning Revision Committee**

2.8 **Conservation Advisory Committee-**

The committee will be meeting on a regular basis once the National Fish and Wildlife Foundation grant cycle begins.

2.9 **Narrowsburg Water & Sewer Committee** -Submitted & Read aloud by Deputy Supervisor Jane Luchsinger.

- The Water/Sewer committee met September 5th at 8:00 am.
- The committee reviewed correspondences received.
- Delaware Engineering has submitted a grant for us with regards to a lead pipe inventory required by the Federal Government.
- A new pump was required for the sewer system on Kirk Rd. Due to the nature of the job, it will be installed by an outside agency.

2.10 **Grants** – Submitted & Read aloud by Deputy Supervisor Jane Luchsinger.

August Grants Report

1. Little Lake Erie Culvert – Project appears to be progressing as per timetable.

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2. Water infrastructure project – The project continues to be coordinated by Delaware Engineering. Delaware engineering has also applied for a grant to fund a lead pipe inventory on our Narrowsburg Water System.
3. Pavilion project is ongoing. We have contacted Sullivan 180 requesting an extension of the project deadline. At the time of this writing, we have not been advised
4. We have been awarded a National Fish and Wildlife Foundation grant to develop an Open Space and Recreation Plan for the Town of Tusten.
5. A Technical Assistance Grant application to the UDC was submitted. The purpose of the grant is to provide funds to use in the “match” requirement of the NFWF. We await the decision of the UDC.
6. The Building Committee has met with Buck Morehead, Architect to develop a plan for the reconfiguring of Town Hall office and public space. There will be opportunities for public input.

2.11 Tusten Youth Commission

- Working with the Highway Dept to get our storage Unit into place so we can begin to transfer our supplies!
- Weekly Afterschool program 3pm – 6pm will begin at the end of the month
- Participating in Logging Days on October 7, 2023 11:00am – 5:00pm
- Preparations for Halloween are underway for Sat Oct 21, 2023
- Kalahari indoor waterpark Nov 10 & 11 we still have about 7 rooms available.
- Please mark your Calendars for Dec 2, 2023 as Christmas planning is under way
- TYS is joining forces bringing bck plastic recycling

3 PUBLIC COMMENT

- **Citizen I** - Question regarding Tusten Youth Halloween Party and why it was rescheduled from Fort Delaware and
Details regarding set up in the Multigenerational Park
- **Mike Farrell** – Wild life management, deer and geese are increasing and is becoming an issue
- **Jan London** – Evergreen Lane, Survey for the Boy Scouts area as part of the shift to a conservancy group
- **Citizen II** – Difficult to hear you in the back, first item is traffic and parking going down by the feed mill and Launderette, second item the graffiti by the underpass taken care of, Use of Town Hall and Kitchen, cost of path in the park

4 OLD BUSINESS

4.1 Park Project

- No Bid received
- Supervisor Johnson will follow up with UDC regarding a review
- Additional payment is requested to Charles Woods for required revisions in the amount of \$4,812.50
- Hold off on bids until December, due in February completed by May 2024
- Revisit and further discussion with the committee

RESOLUTION #101-2023

AUTHORIZATION FOR ADDITIONAL PAYMENT TO CHARLES WOODS

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On motion of Supervisor Johnson, seconded by Councilman Kevin McDonough, the following resolution was,
ADOPTED 5 AYES 0 NAYS
RESOLVED that the Town Board hereby authorize additional payment to Charles Woods for requested revisions in the amount of \$4,812.50.

4.2 93 Main St

- Parking Lot Line Painting
- Roof Repair in progress of obtaining bids
- Digging /Perimeter Repair – highway

4.3 Main St Lighting

- Still awaiting SIM card

5 NEW BUSINESS

5.1 Tusten Youth Halloween Trunk or Treat

Saturday, October 21, 2023 4:00pm-6:30pm in The Narrowsburg Multigenerational Park

Requesting road closure for a trunk r treat

RESOLUTION #102-2023

ROAD CLOSURE AUTHORIZATION

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board Approve the road closure at intersection of 2nd Avenue & 3rd Avenue and 2nd Avenue & 4th Avenue on Saturday, October 21, 2023 from 4:00pm – 6:30pm as well as 3rd Avenue for one way parking for the Tusten Youth Halloween Trunk or Treat Event.

5.2 Fall Cleanup Day /Dump Day

-Tusten has 9.89 Tons of solid waste remaining for the fall cleanup
October 7, 2023 9:00am – 2:00pm, Tires will be accepted

RESOLUTION # 103-2023

FALL CLEAN UP DATE & TIME

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Fall Cleanup Day will be held, October 7, 2023 from 9:00am-2:00pm.

5.3 DVAA – Big Eddy Film Festival

DVAA Requested the use of a portion of the 210 Bridge St Parking Lot September 28 thru Sept 30 for Food Vendors

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RESOLUTION # 104-2023

DVAA PARKING LOT APPROVAL

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the DVAA has been authorized to use a portion of the 210 Bridge St parking lot for food trucks from September 28 through September 30 from 2:00pm-10:00pm during the Big Eddy Film Festival.

5.4 Budget Modifications

RESOLUTION # 105-2023

BUDGET MODIFICATIONS

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the following account transfers are authorized as presented.

move from		
General Reserve	\$ 36,000.00	
move to		
Highway Capital		\$ 36,000.00
		Hunt Payment
move from		
General Reserve	\$ 64,000.00	
move to		
Water Capital		\$ 64,000.00
		Delaware Engineering payment

5.5 Justice Court

Upon request of Judge Casey & Judge Padu

RESOLUTION #106-2023

IN OPPOSITION TO NEW YORK STATE SENATE BILL S-00139B and ASSEMBLY BILL A-1358B

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

ADOPTED 5 AYES 0 NAYS

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Sullivan County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, The Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Town of Tusten Justice Court is a vital service to our residents and the Sullivan County community as a whole; and

WHEREAS, The Justices in Sullivan County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, the Justices also preside nightly and on weekends and holidays, ensuring that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be considered for release, bail, or incarceration; and

WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Sullivan County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State’s Commission on Judicial Conduct’s most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either “State-paid” judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

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WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State's attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Town of Tusten strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

5.6 NWS Well #1

Well # 1 was struck by lightning. It is not working and the new generator was affected and is not currently working either. Insurance has been contacted. We currently have well # 3 running to cover. Well #2 is still out of service.

The generator at the Narrowsburg water & sewer plant is inoperable and needs a new radiator.

5.7 Library Wall

Received a letter from Audra at the Library pertaining to the wall. We are still looing into fixing the wall.

5.8 Animal Control

RESOLUTION # 107-2023

RESIGNATION OF ANIMAL CONTROL OFFICER

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board accept the resignation of Nico Juarez as animal control officer effective September 6, 2023.

6 **PUBLIC COMMENT**

Comments were heard from the following members of the public:

Sue Powell

- Shared that she is has one of 4 contiguous lots from Hancock to Port Jervis that has a very rare dragon fly.
- Would like to identify open spaces in the area
- Asked if there were any circumstances in which the pavilion would not be built

Iris Helfeld

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-Asked for clarity of the 50/50 grant and what the towns portion would be.

Cass Collins

- Researched some shade structures made by playground suppliers, they are complete structures that are installed by the manufacturer and may not be considered a gather place.

Michael

- had questions regarding the street issue on Kirks Road

Citizen I

-Mentioned a vaccine that could be used to control the deer population.
-Question regarding which pavilion plan would be submitted

Citizen III

-Wanted to know what would come out of the open plan survey

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

RESOLVED that the Town Board enter into executive session at 7:30 pm with the purpose to discuss acquisition and disposition of real property.

No decisions made; no minutes taken.

On motion of Supervisor Ben Johnson, seconded by Deputy Supervisor Jane Luchsinger, with no further discussion and all in favor the Town Board exited Executive Session at 8:13pm

8 CLOSING ITEMS

Adjournment

With no further business to be had, motion made by Supervisor Ben Johnson, seconded by Deputy Supervisor Jane Luchsinger, All in favor, Adjournment at 8:15 pm