



Town of Tusten Town Board Meeting

Regular Meeting Minutes

December 12, 2023

6:30 PM

Zoom ID: 879 2661 1419

PRESENT

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

OTHERS PRESENT

Deputy Town Clerk Leigh Delaney; Deputy Town Clerk Victoria Strumpfler;
 Attorney to the Town Kenneth Klein

1 OPENING ITEMS

- 1.1 **Call Meeting to Order**
 Supervisor Johnson called the meeting to order at 6:33pm
- 1.2 **Pledge of allegiance**
 Supervisor Johnson led the pledge
- 1.3 **Payment of Bills** – TABLED TILL RECESS MEETING 12/15/23

Fund Acct	Ck Acct Disburse
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General	
Highway	
Water	
Sewer	
lighting dist	
escrow accts	
Capital	
General	
Capital Highway	
Capital Water	
TOTAL	

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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 393.4 gal of diesel fuel 351.4 gal was for highway and 42 was non highway use.
- Used 115.2 gal of gas 0 was highway 115.2 was non town.
- Patch holes on dirt and paved roads.
- Removed trees in road way from storms repair wash outs.
- Ditch Half Moon, Lackawaxen and Humphery.
- Start to stock pile stone for next summer.
- Grade dirt roads.
- Replace pipes on Trout Pond A and B, Luxton Road.
- Start to get trucks ready for winter.
- Out on slippery roads twice.

2.2 Water & Sewer Department

NARROWSBURG WATER & SEWER	
FINANCIAL REPORT FOR NOVEMBER 2023	
Narrowsburg Water	
Water Metered Rent	\$ 24,561.60
Service Charge	\$ 432.13
Water Penalty	\$ 706.40
TOTAL RECEIVED	
\$ 25,700.13	
Narrowsburg Sewer	
Sewer Rent	\$ 14,036.36
Service Charge	\$ 10.00
Sewer Penalty	\$ 341.40

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TOTAL RECEIVED	\$ 14,387.76
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GRAND TOTAL	\$ 40,087.89
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Jocelyn Strumpfler
Water & Sewer Clerk

- 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.
- Did water meter readings every Wednesday in the month of November and contacted home and building owners with unusually high water use to help them track leaking pipes or fixtures.
- Koberlein pumped-out and cleaned sludge from the dosing tanks at the sewer plant.
- Replaced barrel of caustic soda at the sewer plant.
- Made some repairs to the railing around the contact tanks at the sewer plant where railings went into the concrete.
- Located water and sewer lines going through the playground.
- Helped the Highway Dept level uneven ground at the playground.
- Continued removing sludge and weeds from the sand beds.
- Cyclops Equipment and Koesner came to install a new Influent flowmeter at the sewer plant. Koberlein kept the pump station pumped down while work was being done.
- Marked out water lines for a dig request on Delaware Dr.
- Did a meter inspection on Hickory.
- Removed water meter and turned water off to 1 home.
- Took PFAS/PFOS samples at Well #1 and Well #3.
- Dug up and replaced a broken curb valve stem on Oak St. Turned water off for homeowner.
- Started going through water repair records; scanned and filed all logs, updated our service line inventory sheet.
- Pumped 2 septic tanks on 3rd St.
- Replaced 2 broken water meter radio heads.
- Dug up and replaced a broken curb valve on Hickory Ln.
- Did a few grease trap inspections.
- Finished powerwashing concrete tanks at the sewer plant.

2.3 Building Department/ Code Enforcement

NOVEMBER 2023 Monthly Report

Construction Inspections – 22

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Fire & Safety Inspections – 0

Complaint/Violation Inspections – 0

Certificate of Occupancy Issued – 0

Certificate of Compliance Issued – 16

Total Permits Issued – 8

New Homes – 3

Accessory Building/Garage – 0

Renovation/Alteration/Addition – 1

Camping - 0

Chimney/Fuel – 0

Acc Bldg Comm – 0

New Comm Const – 0

Ren/Alt – Comm Const - 0

Deck – 0

Commercial Deck - 0

Demolition Permit – 0

Driveway Permit – 0

Electrical – 1

Logging Permits – 0

Mechanical – 1

Plumbing – 0

Pool/Hot Tub – 2

Roof Replacement – 0

Roof Structure - 0

Septic Permits – 0

Sidewalk - 0

Sign Permit – 0

Solar Permit – 0

Well – 0

Permit Renewals - 0

Flood Plain Permit – 0

Abstracts/Violation Search – 12

Dangerous and Unsafe Building – 0

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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 October 1, 2023 to October 31, 2023 are \$5,541.50

Respectfully,

Jim P Crowley, Building Inspector

JPC/js

2.4 Assessor

During the month of November we attended the monthly meeting of the Sullivan County Assessors' Association which was held at the West Wing of Gable Farm (my home) and combined it with a retirement dinner for Ken. Elections of officers were held and discussion of laws changing the administration of some exemptions was the main focus of the meeting.

Deeds and other data changes were done and the tax roll was submitted for the January 2024 tax bills. This file was uploaded to Telescent in early November. Much work was done toward the full value assessment that will be completed by New York State. Over 180 files had to be pulled and reviewed along with making copies of each of the property record cards by our office. Peg developed an excel sheet to help keep our comments readily available. This is a very important task as the results will be used in the Equalization Rate, Level of Assessment and Residential Assessment Ratio for the next few tax cycles. These rates affect how the apportionment of various towns are done for both the school and county tax bills.

Respectfully submitted,

Ken Baim

Sole Assessor

2.5 Upper Delaware Council

- Cellphone Project – better service in the county

2.6 Energy Committee

- Lights on main street have been commissioned
- NY Power authority

2.7 Zoning Revision Committee

- Committee did not meet in November

2.8 Conservation Advisory Committee

- Committee did not meet in November

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2.9 Narrowsburg Water & Sewer Committee

- The Water/Sewer committee met December 7, 2023 at 8:00 am.
- Correspondence review
- A response was written to the only correspondence outstanding.

Water

The subject of radio monitors was discussed. The cost for a replacement monitor will be the home owners responsibility, but there will be no charge for the labor to disconnect and reinstall. Besides billing these monitors are used to check for unusual usage, i.e. leaks in a system. The water district has become aware of many water leaks as a result of weekly monitoring.

Sewer

The committee reviewed the comments from the public hearing. The committee will be recommending the following to the Town Board for approval:

Sewer rates will be based on water usage plus a quarterly base rate.

The quarterly base rate/ unit will be \$125.50

The usage rate will be \$8.88/1000 gallons of water

If a household is not in the water district, only the sewer district, a water meter will be installed.

Security cameras will be installed at the sewer sand beds.

The gate at the entrance of the sewer offices will be moved to allow for the neighbors to have easy access on to their property.

2.10 Grants

1. Little Lake Erie Culvert – The culvert has been completed!
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 installed. Await a decision from the UDC regarding a pavilion.
4. The contract for the National Fish and Wildlife Foundation grant to develop an Open Space and Recreation Plan for the Town of Tusten has been received.
5. The Sullivan 180 Technical Assistance grant to develop a plan for the reconfiguring of Town Hall office and public space has been completed.

2.11 Tusten Youth

- TYC Annual Christmas Event was a success once again!
- 2024 events/program schedule is underway
- Tusten Youth club has been awarded \$2,000 for the 2023-2024 NYS OCFS

3 PUBLIC COMMENT

The following from the public made comments

1. Star Hesse – LED Main Street light status?
 - Who fixes the light in front of the Narrowsburg firehouse? It hasn't worked and its dangerous for volunteers
 - Is there any further information about the October executive session? I heard it was about the wayne memorial building on the flats

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- What is the status on the pavilion?
- Supporters of the pavilion are adamant about a toilet in the pavilion but were opposed to the idea of one on main street?

2. Anthony Lombardo – radio meter installation questions

4 OLD BUSINESS

4.1 **NWS Proposed Sewer Rates**

RESOLUTION # 120-2023

NWS PROPOSED SEWER RATES

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

ADOPTED 5 AYES 0 NAYS

RESOLVED the Town Board motion to adopt the proposed Sewer Rates (option 5) effective January 1st, 2024

4.2 **Highway HMEMO Position**

RESOLUTION # 121-2023

HIGHWAY HMEMO POSITION

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

ADOPTED 5 AYES 0 NAYS

RESOLVED the Town Board motion to hire Cody R. Yerkes to the HMEMO position effective immediately in accordance with the Highway Collective Bargaining Agreement dated Jan. 1st 2020 – Dec. 31st, 2024 upon recommendation of the Highway Superintendent Don Neiger and the Highway Committee

4.3 **Agreement for the Expenditure of Highway Moneys**

RESOLUTION # 122-2023

EXPENDITURE OF HIGHWAY MONEYS

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board hereby accept the following agreement as stated:

AGREEMENT between the Town Superintendent of the Town of Tusten, Sullivan County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways. and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum \$264,500.00 shall be set aside to be expended for primary work and general repairs upon 62 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.
2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of Town highways:

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- (a) On the road, Perry Pond a distance of 2 miles; Bear Run a distance of .28 miles; Hankins Rd a distance of 1.90 miles there shall be expended not over the sum of \$264,500.00

Type Black Top

Width of traveled surface _____

Thickness Cold Mix Pave

Subbase _____

Executed in duplicate 12th day of December 2023

Note: This agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. Both copies must be approved by the County Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. COPIES DO NOT HAVE TO BE FILED IN ALBANY.

4.4 **Bond – Culvert Project**

RESOLUTION # 123-2023

CULVERT PROJECT BOND

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

ADOPTED 5 AYES 0 NAYS

RESOLVED that the Town Board motion to seek a Bond Anticipation note for One year seek assistance in paying for the Culvert Project.

5 **NEW BUSINESS**

5.1 **Tusten Youth Club – Grant Funding**

RESOLUTION # 124-2023

TYC GRANT FUNDING

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

ADOPTED 5 AYES 0 NAYS

RESOLVED the Town Board motion to authorize Supervisor Johnson to sign the contract for the Tusten Youth Club 2023-2024 NYS OCFS \$2000 Grant ward through the Sullivan County Youth Bureau

5.2 **Continuing Education for Code**

RESOLUTION # 125-2023

CODE CONTINUING EDUCATION

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

ADOPTED 5 AYES 0 NAYS

RESOLVED the Town Board Motion to authorize the Code Dept Employees to attend Code School in Lake

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Placid to obtain 24 hours of the required continuing ed.

5.3 Sullivan County Division of Solid Waste Agreement

RESOLUTION # 126-2023

SULLIVAN COUNTY DIVISION OF SOLID WASTE AGREEMENT

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

ADOPTED 5 AYES 0 NAYS

RESOLVED the Town Board motion to authorize the Supervisor Johnson to sign the 2024 Solid Waste Agreement with Sullivan County.

5.4 Genius Loci Planning

- **Planning Services Agreement for Open Space Project**

RESOLUTION # 127-2023

OPEN SPACE PLANNING SERVICE AGREEMENT

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 to authorize Supervisor Johnson to sign contract amendment with Genius Loci, adopting the following:

PLANNING SERVICES AGREEMENT (OPEN SPACE PROJECT)

between

Genius Loci Planning and the Town of Tusten, New York

This agreement is between Genius Loci Planning, 1796 County Hwy 6, Bovina Center, NY, (hereinafter referred to as "GLP") and the Town of Tusten, 210 Bridge Street, Narrowsburg, NY (hereinafter referred to as the "Town").

WHEREAS, the Town desires to engage GLP to perform certain professional and technical services;

WHEREAS, the Town has worked successfully with GLP to develop the Town's comprehensive plan and adopt several amendments to the Town's zoning law, subdivision regulations, and grant writing;

WHEREAS, Peter Manning, Principal, GLP is qualified, and has agreed to perform such services;

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements contained herein and for other good and valuable consideration, the parties do hereby agree as follows:

1. SERVICES TO BE PERFORMED

The Town agrees to engage GLP and GLP agrees to provide professional planning and technical services to assist in the Natural Resources Inventory and Open Space Plan Project funded in part by the National Fish and Wildlife Foundation (NFWF). Said services and estimated costs are illustrated in Appendix A of this agreement.

2. PERIOD OF SERVICES

The period of services for this agreement begins January 1, 2024 and continues until December 31, 2025, unless otherwise amended by mutual written agreement

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between GLP and the Town.

3. COSTS/PAYMENT SCHEDULE

GLP will charge \$72.50 per hour for work performed under this contract in an amount not to exceed \$17,495. GLP will submit monthly or bi-monthly invoices to the Town, with payments to be issued within 30 days of receipt of invoice. GLP agrees to execute the work diligently according to the terms of this contract. This contract and any appendices attached hereto are the entire agreement of the parties and supersede any agreement, oral or written, pertaining hereto. This contract may be amended in writing signed by both parties. This contract may be terminated for convenience by either party by notification in writing to the other party. The Town shall, upon such termination, be responsible for payment for services rendered up to the time of such notification.

4. APPENDICES

(See Appendix A - Professional Services, Estimated Costs)

- **Planning Services Agreement for Zoning Project**

RESOLUTION # 128-2023

ZONING PROJECT PLANNING SERVICE AGREEMENT

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 authorize Supervisor Johnson to sign contract amendment with Genius Loci, adopting the following:

PLANNING SERVICES AGREEMENT (ZONING PROJECT)

between

Genius Loci Planning and the Town of Tusten, New York

This agreement is between Genius Loci Planning, 1796 County Hwy 6, Bovina Center, NY, (hereinafter referred to as "GLP") and the Town of Tusten, 210 Bridge Street, Narrowsburg, NY (hereinafter referred to as the "Town").

WHEREAS, the Town desires to engage GLP to perform certain professional and technical services;

WHEREAS, the Town has worked successfully with GLP to develop the Town's comprehensive plan and adopt several amendments to the Town's zoning law, subdivision regulations, and other local laws;

WHEREAS, Peter Manning, Principal, GLP is qualified, and has agreed to perform such services;

NOW, THEREFORE, in consideration of the mutual covenants, conditions and agreements contained herein and for other good and valuable consideration, the parties do hereby agree as follows:

1. SERVICES TO BE PERFORMED

The Town agrees to engage GLP and GLP agrees to provide professional planning services to

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assist in completing comprehensive revisions to the zoning law in cooperation with Zoning Review Committee; preparing the town for adoption of comprehensive zoning revisions; Said services and estimated costs are illustrated in Appendix A of this agreement.

The Town will be responsible for:

- Working with GLP to schedule meetings of the Zoning Review Committee, and compliance with any applicable Open Meetings Law and Freedom of Information Law requirements;
- Printing or printing costs associated directly with the projects and services;
- Working with GLP to complete county review communications and procedures; and legal review and publication requirements.

2. PERIOD OF SERVICES

The period of services for this agreement begins January 1, 2024 and continues until scope of work is completed or December 31, 2024, whichever comes first, unless otherwise amended by mutual written agreement between GLP and the Town.

3. COSTS/PAYMENT SCHEDULE

GLP will charge \$62.50 per hour for work performed under this contract in an amount not to exceed \$5000. GLP will submit monthly or bi-monthly invoices to the Town, with payments to be issued within 30 days of receipt of invoice.

GLP agrees to execute the work diligently according to the terms of this contract.

This contract and any appendices attached hereto are the entire agreement of the parties and supersede any agreement, oral or written, pertaining hereto. This contract may be amended in writing signed by both parties. This contract may be terminated for convenience by either party by notification in writing to the other party. The Town shall, upon such termination, be responsible for payment for services rendered up to the time of such notification.

4. APPENDICES

(See Appendix A - Professional Services, Estimated Costs)

5.5 2023 Review by Kevin McDonough

The end of the calendar year. It's an appropriate time to glance over the town council efforts and examples in the record meetings and then to build a resolution. Bad roads paved and snow plowed. It can be easy to lose sight of long-range goal. So, consider the following not as a comprehensive list, but as a concise survey of some of the board's major accomplishments and endeavors and an indication of its vision moving forward after more than a century of use, the culvert at the end of Little Lake Erie has been replaced, a major project overseen by Rutledge Construction. It was made possible in large part by grants applied for and overseen by our departing colleague, Councilwoman Jane Luchsinger. As we approach 2024, another capital project loomed. The town's water tower was built in the late 1980s with the expectation that it would be replaced sometime in the 70s. That new water tower is scheduled to be built sometime in the first half of 2024. In addition, the town has been working with Delaware Engineering on a major renovation of our water system. Some parts of this vital local infrastructure are more than a century old. In a related development, the board has worked to put the water and sewer departments on a more solid footing. Moving beyond these highly visible and expensive projects. The board has made a priority of protecting the

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town's unique, wild and scenic rural nature. Over the past ten years, the Boy Scouts of America organization has worked with the Conservation Fund to eventually transfer ownership of thousands of acres of Scout camp properties to the New York State Department of Environmental Conservation. These actions will ensure that a significant portion of the town remains unspoiled and available for hunting, hiking, fishing and recreational use. Pursuant to these ends, the town has established the Tusten Conservation Advisory Council and has received grants to pay for applications for the town's open spaces with an eye towards protecting them for generations to come. Working out of a town hall that does not disguise its age and years, the council has hired a local architect to devise plans for the building's preservation, renewal and maximization of office space. Recognizing that our town relies heavily on its volunteers and volunteer organizations, the board has continued to financially support local our local ambulance board, two fire companies, US, the news organization and the Narrows Beautification Group. And finally, early this year, the town council voted to lease its property at 93 Main. To a local business allowing entrepreneurs to make use of that space and to provide an ongoing rental revenue stream to the town of Tusten. The end of 2023 brings the departure of Councilwoman Jan Luchsinger, an indispensable colleague responsible for many of the grants and projects cited above. December also sees the retirement of long-term town assessor Ken Baim while retiring from those duties that he has performed so well and will continue to serve the town as chairman of the Planning Board

6 PUBLIC COMMENT

The following from the public made comments

1. Mike Farrell - short term note makes sense
 - Project complete all money is due now?
2. Star Hesse – Lights commissioned?
3. Anthony Lombardo – 12 Point Program

7 CLOSING ITEMS

Board Comment

Greg Triggs - Thank You to Jane and welcome Cass

Ben Johnson – thoughtful words about and too Jane

Meeting Reminders

RESOLUTION # 129-2023

SET END OF YEAR MEETING

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 End of Year meeting for December 29th at 11am

Tusten Animal Control position open

Adjournment

With no further business to be had, the meeting recessed at 7:18pm to December 12th 2023 at 5pm on

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motion of Supervisor Johnson, seconded by Deputy Supervisor Luchsinger

Respectfully Submitted,
Crystal Weston, Town Clerk