

**PUBLIC HEARING ON SPECIAL DISTRICTS AND REGULAR MEETING, TOWN OF  
TUSTEN FEBRUARY 13<sup>th</sup>, 2012**

Supervisor Ropke Wingert opened the public hearing at 6:50 pm. There was no public comment.

**RESOLUTION #48-12**

**CLOSE PUBLIC HEARING ON SPECIAL DISTRICTS**

On motion of Councilman Meyer, seconded by Councilman Reynosa, the following resolution was

**ADOPTED AYES 5 NAYES 0**

That the Public Hearing on the Special Districts be closed at 7:04 pm.

The regular meeting of the Town of Tusten, held on February 13<sup>th</sup>, 2012 at 7:04 pm at the Tusten Town Hall, was opened by Supervisor Ropke Wingert with the following members present:

**PRESENT** Supervisor Carol Ropke Wingert  
Councilman Anthony Ritter  
Councilman Norman Meyer  
Councilman Andrea Reynosa  
Councilman Eileen Falk

**OTHERS PRESENT:** Kathy Michell, Town Clerk; Mr. Igor Smetaniak, Code Enforcement Officer; Mr. Glenn Swendsen, Highway Superintendent; Mr. Scott Birney, Water and Sewer Superintendent; Mr. Edwin Jackson, Planning Board Chairman; Mr. Ken Baim, Dominic Hillard, Assistant Water and Sewer Superintendent; Assessor; Fritz Mayer, *The River Reporter*; and approximately 17 members of the general public.

Supervisor Ropke Wingert called the meeting to order at 7:04 pm with the pledge to the flag. She then introduced Carol Roig, from the Sullivan Alliance for Sustainable Development, who gave a presentation on their program. They are trying to get communities to go green and become Climate Smart Communities.

**RESOLUTION #49-12**

**ENTER EXECUTIVE SESSION**

On motion of Supervisor Ropke Wingert, seconded by Councilman Falk, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Board enter into Executive Session to discuss matters that may lead to the appointment and employment of a particular individual and also to discuss the employment history of a particular individual at 7:20pm.

**RESOLUTION #50-12**

**EXIT EXECUTIVE SESSION**

On motion of Supervisor Ropke Wingert, seconded by Councilman Meyer, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Board exit Executive Session at 7:50 pm with no action taken.

**RESOLUTION #51-12**

**ACCEPT THE MINUTES OF DECEMBER 29, 2011, JANUARY 3, 2012, AND  
JANUARY 9, 2012 BOARD MEETINGS**

On motion of Councilman Ritter, seconded by Councilman Meyer, the following resolution was

**ADOPTED AYES 5 NAYES 0**

That the Town Board accept the minutes of the year end December 29, 2011 town board meeting, the organizational January 3, 2012 meeting and the regular January 9, 2012 meeting as presented.

**RESOLUTION #52-12**

**APPROVE PAYMENT OF BILLS**

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On motion of Supervisor Councilman Falk, seconded by Councilman Ritter, the following resolution was

**ADOPTED AYES 5 NAYES 0**

That the Board approve payment of the bills in the following amounts:

General Account	\$130,010.08
Highway Account	\$ 16,263.75
Water Account	\$ 2,643.28
Sewer Account	\$ 1,563.19
Lighting Account	<u>\$ 1,122.82</u>
Total	\$151,603.12

**Water and Sewer Financial Report 1-2012**

Water Metered Rent	\$18,986.09	
Service Charge	\$43.50	
Water Penalty	\$0.05	
Bulk Water	\$0	
<b>TOTAL RECEIVED WATER DEPARTMENT</b>		<b>\$19,029.64</b>
Sewer Rent	\$27,881.36	
Service Charge	\$43.50	
Sewer Penalty	\$0	
<b>TOTAL RECEIVED SEWER DEPARTMENT</b>		<b>\$27,924.86</b>
<b>GRAND TOTAL</b>		<b>\$46,954.50</b>

Jocelyn Strumpfler,  
Interim Clerk

**CORRESPONDENCE**

- 1) Letter from the New York State Department of Taxation and Finance re: delinquent withholding tax. Penalties and interest due now total \$3860.70. Supervisor Ropke Wingert has asked if the State can abate some of the penalties, they cannot abate the interest.
- 2) Letter from the Comptroller's Office re: a property tax cap form which was never completed last year.
- 3) Letter from MYMIR re: payment from original capitalization.
- 4) Letter from Narrowsburg Fire Department about a narrow, windy, driveway and requesting the Town adopt an ordinance similar to the Town of Highland's.
- 5) Letter from the NPS stating that they will have no money for the states and municipalities for trash removal.

**HIGHWAY REPORT**

Had 135 ½ hours of overtime for the month of January. About half that will be taken as comp time.

Diesel used 1,075.5 gal 795.2 used by highway,174 amb,78.1 lava, 28.2 Narr fire dist  
Gasoline used 516.8 gal 381.6 used by Highway 125.2 Water & Sewer, 10 Lava  
Filled potholes on Bear Run and Swamp pond road  
Started cutting brush and tree limbs on Mahl's pond rd.  
Shipped out 3 loads of scrap steel to Simm's in liberty Just shy of 7 tons received \$2,083 dollars.  
Repaired upper rad. Hose on # 28 and repaired lights on all sand trucks  
Had to take Donnies truck to Palmer's Found out there's a glitch in the ecm And was overfilled with motor oil  
On Jan 12 Held interviews with 4 candidates out of the 9 who applied, for the job position with Andrea . With mutual agreement hired Cody Highhouse.  
Helped water district with repairing broken main on Bridge St.  
Cut Sumac off railroad bank on kirk Rd and 5<sup>th</sup> street  
Our one f-350 had power steering pump go out of it so we replaced it.  
Ordered 150 tons of road salt out of the 1600 tons we have in reserve  
Replaced battery in # 30 with a used one at no cost to town  
Replaced 2 batteries in # 18 Autocar  
Replaced 4 rubber pads on backhoe as the ones on it were wore out and needed replacing  
Had one employee out for a back injury for 1 week  
Had one employee out one day no-show no-call

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Cut brush and limbs on Luxton lake rd , Maple lane and Hemlock lane  
Replace both knock sensors on 1 ton Chevrolet  
Filled in some potholes on Ackerman Rd. and Humphrey Rd.  
Patched a couple pothole on 5<sup>th</sup> street and Arena court  
Changed oil in Loader had to wait on Hyd. System until I could find a better price on filters.  
Changed oil in chipper only had 30 hours but is 2 years old.  
Seek boards advice on what to do with diesel additive 6 gal \$1200.00 we can't use  
Ask town board for an resolution allowing me to put out a bid for stone. Ask Town Board for a  
Resolution to purchase a used trailer from Marshall Machinery for \$8,700 because old trailer is  
unsafe and an accident waiting to happen. Procurement policy hard to follow as the specs on  
trailer .. Will explain.

**WATER AND SEWER REPORT**

January 10, 2012 – 2/13/2012

Ordered and received water treatment chemical order based on low quotes received.  
Ordered and received wastewater treatment chemicals.  
Performed customer water use surveys from requesting customers based on “Leak Postcards”  
sent to affected customers.  
Replaced water meters that have reached 2 Million gallons of usage.  
Installed and calibrated new chemical addition pump at Well#1.  
Provided parts and inspected repair ok leaking water service on 2<sup>nd</sup> Avenue.  
Provided parts and inspected repair ok leaking water service on Fourth Avenue.  
Repaired water main leak on Bridge Street resulting from a failed joint.  
Mailed billing frequency change postcards.  
Answered customer complaint of clogged sewer. Determined that clog was in pipe between  
customers home and septic tank and the Owner's responsibility.  
Shut off water and replaced curb valve for home on Oak Street whose house piping had froze  
and broke.

Scott Birney read his letter of resignation, effective Sunday February 26, 2012.

**CODE ENFORCEMENT/ BUILDING INSPECTOR REPORT**

**January 2012**

FEMA Inspections – 0  
Regular Inspections – 22  
Certificate of Occupancy – 0  
Certificate of Compliance – 2  
Building Permits – 7  
    New Homes – 0  
Accessory Building - 0  
Camping – 1  
Chimney/Fuel – 0  
Commercial/Construction - 0  
Demolition – 0  
Driveway permit -0  
Septic Permits – 0  
Sign permit – 0  
Electrical – 3  
Deck – 0  
Logging Permits – 0  
Well – 0  
Pool - 0  
Renovation/alteration/addition – 1  
C/O and violation search – 0  
Permit Renewals - 0  
Violations/Stop Work – 0  
Violations lifted – 0  
Operating without CofO - 0  
Flood Plain Permit – 0  
Dangerous and Unsafe Building Declaration – 1 (due to fire, building removed)  
Complaints – 2 (1 closed, 1 pending)  
Tickets issued – 0  
Fire and Safety Inspections – 0

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Filed Part 1203 Report to State and Census Report  
Monies collected by this office from January 1, 2012 to January 31, 2012 were \$255.00.  
Interim Inspector/Clerk attended class January 25, 2012 on Residential Energy and Smoke  
Control Systems and Smoke and Heat Venting.

**ASSESSOR'S REPORT**

Ken Baim said that February is exemption month; a lot have been coming in.

**UDC**

Susan Sullivan reported that the NPS will no longer give out money from trash pickup contracts. They will however write checks to have trash hauled away if some is picked up. The held elections; the Chairperson is Nadia Rajsz and Vice Chair is Jeff Dexter. They will be holding an informational workshop by invitation only on the River Management Plan at the Tusten Town Hall on March 24, 2012. The Holbert Quarry is now in litigation. The Pond Eddy bridge replacement which is proposed would cost \$20,000,000 and is only 7 miles from the Barryville bridge. It would have to follow federal specifications.

**TUSTEN CONCERNED CITIZENS**

No report.

Supervisor Ropke Wingert updated the Board on several items. The 2010 payroll has now been certified by the new supervisor and bookkeeper, a year overdue. They are working on certifying the 2011 payroll. NYMIR met with the town officials to do their risk management inspection.

**OLD BUSINESS**

Councilman Meyer updated the Board on the boiler. He said that if they make it a Capital Project they would need a referendum. He suggested looking for a grant to combine the boiler with the replacement of the failing theater ramp over the walkway. He suggested just using mesh with no concrete.

Councilman Reynosa compiled a folder for each Board Member comparing the Esplanade proposals. She read the bid amounts to the Board after the total cost was calculated; Chazen \$149,220.00, Woodard and Curran \$209,730.00, Delta \$154,220.00, and Sythesis \$149,194.00. The Selection Committee created a grading system to look at all aspects of the proposals. The two finalists were Woodard and Curran and Chazen Companies. A number grade was applied to each proposal. Woodard and Curran came in with a grade of 79 and Chazen a grade of 89 out of a possible 90 points. The committee chose Chazen Companies for the award. Councilman Meyer said he would like to see a copy of the grant contract and the sign off of the property owners on the project. He said the project needs to be reviewed by the Department of State. Supervisor Ropke Wingert informed him that it has already been reviewed and the grant awarded by them. The Board will recess for two weeks and the Supervisor will have the Attorney for the Town provide a legal document on this.

Supervisor Ropke Wingert and the Board complimented Councilman Ritter and Ken Baim on the great job they did on the paper roads, and calculating a purchase price.

**RESOLUTION #53-12**

**SET COSTS AND MAKE "PAPER ROADS" AVAILABLE TO ADJOINING  
PROPERTIES**

On motion of Councilman Meyer, seconded by Councilman Falk, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**WHEREAS**, the Town of Tusten has acquired many "paper roads" by deed within the hamlet of Narrowsburg, New York by Deed 2011 – 7703 on November 17 2011.

**WHEREAS** these roads were planned as a subdivision over 140 years ago and were never used as such.

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**WHEREAS** the majority of these roads are unimproved and abut and / or bisect property owner's lots in Narrowsburg, New York serving little to no value except to the adjoining property owners.

**WHEREAS** the majority of these "paper roads" that abut and/or bisect property owners' lots have made real property transactions difficult and an unnecessary burden.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The Tusten Town Board hereby determines that an intent of Tusten's Comprehensive Plan has been to address non-conforming and non buildable lots such as the above described "paper roads" and to make lot improvements when necessary to complement our master plan.
2. The Tusten Town Board hereby determines that the most practical, fair and equitable way to address these "paper roads" is to contact the adjoining property owners of these areas of land to inquire if they would like to purchase those areas of land that directly abut their property bounds.
3. The Tusten Town Board hereby determines that it will be the burden of the adjoining property owner if they wish to purchase the adjoining area of land from the town to: 1) obtain and pay for a current survey, 2) pay for the area of land which will be determined by the town by calculating the square footage being sold multiplied by the price of 3¢ per square foot, along with all legal and recording costs associated with this transaction.
4. The Tusten Town Board hereby determines that it will retain any water and sewer easements on any areas of these "paper roads".

**NEW BUSINESS**

The Narrowsburg Fire Department is concerned with the width of some driveways and the sharp turns that can prevent an emergency vehicle from responding to a scene. Chief Dave Casey brought this to the Board's attention. The re-zoning committee will be meeting soon and will include the NFD request in their discussions. Re-zoning Chair Carol Coney said there are a few things in the zoning that need clarification and changes will be made by the consultant and adopted by the Board. They may need a public hearing and 239 review again. Dr. Pammer has agreed to work with the committee, if necessary, on the revisions for a fee. Some of the issues involve the building department enforcement capabilities. There have been several e-mails about this. The town clerk asked that she be copied on all these correspondence for the record.

The Board discussed the dedication of the portion of one of the paper roads currently in use as a road near the Methodist Church. It is a paved road that runs from Lake Street to the church and the other properties and back to Lake Street. It is 50' by 140'. The adjoining properties will propose a name for the Board's consideration.

**RESOLUTION #54-12**

**CLIMATE CHANGE RESOLUTION**

On motion of Councilman Reynosa, seconded by Supervisor Ropke Wingert, the following resolution was

**ADOPTED AYES 5 NAYES 0**

*WHEREAS, the Town of Tusten (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels; and*

*WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and*

*WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and*

*WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and*

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*WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come, IT IS HEREBY RESOLVED that Town of Tusten, in order to reduce greenhouse gas emissions and adapt to a changing climate will*

### **1. Pledge to Combat Climate Change by Becoming a Climate Smart Community**

Set goals to reduce GHG emissions and adapt to predicted climatic changes. Establish a task force of local officials and community members to review the issues and propose a plan of action. Designate a point person who will oversee climate change initiatives and publicly report on progress. Work cooperatively with similar task forces in neighboring communities to ensure that efforts complement and reinforce one another. As an official signal of commitment and for access to technical resources, sign on to a widespread climate campaign such as ICLEI Local Governments for Sustainability - Climate Protection campaign.

### **2. Set Goals, Inventory Emissions, Move to Action**

Gather data, inventory GHG gas emissions, and establish baselines for local government operations and community sectors. Develop quantifiable interim GHG emission targets consistent with emission reduction goals and propose a schedule and financing strategy to meet them. Encourage stakeholder and public input and develop an action plan. Report emissions to The Climate Registry (TCR), which has developed a standardized method for reporting emissions inventories; use ICLEI and TCR's tools to track and evaluate progress.

### **3. Decrease Energy Demand for Local Government Operations**

Adopt a goal of reducing electricity use by 15 percent from projected levels no later than 2015.

**Existing Public Facilities.** Inventory current building electricity usage and identify opportunities for conservation and efficiency retrofits. Obtain energy assessments from the New York State Energy Research and Development Authority (NYSERDA), the New York Power Authority, the Long Island Power Authority or other professionals. Consider actions such as purchasing energy efficient equipment and appliances, such as ENERGY STAR®; improving lighting, heating, and cooling efficiency; setting thermostats for maximum energy conservation; decreasing plug load from office equipment; and increasing pump efficiency in water and wastewater systems.

**New Public Buildings.** Achieve at least minimum U.S. Green Building Council Leadership in Energy and Environmental Design standards (LEED Silver) for all new local government buildings.

**Infrastructure.** Incorporate energy efficient technologies and operations and maintenance practices into municipal street lighting, traffic signals, and water and wastewater treatment facilities.

**Vehicle Fleet and Commuting.** Improve the average fuel efficiency of local government fleet vehicles. Discourage vehicle idling and encourage bicycling, car-pooling and public transit for employees. Consider reducing the number of vehicles; converting fleet vehicles to sustainable alternative fuels; and using electric vehicles where possible.

### **4. Encourage Renewable Energy for Local Government Operations**

Supply as much of the local government's power, heat and hot water needs as possible from solar, wind, and small hydro through purchase or direct generation.

### **5. Realize Benefits of Recycling and Other Climate Smart Solid Waste Management Practices**

Expand the "reduce, reuse and recycle" approach to waste management in local government operations and in the whole community. Reduce the amount of solid waste generated -- promote backyard composting, implement volume-based pricing and educate residents on how to prevent waste. Promote reuse by organizing community-wide yard sales, and providing a space for drop-off or trade of reusable goods. Provide recycling receptacles in local government buildings and outdoor spaces, require duplex printing in government offices, compost food scraps and green waste, and adopt a comprehensive green purchasing program.

### **6. Promote Climate Protection through Community Land Use Planning**

Combat climate change by encouraging low-emissions development that is resilient to climatic changes. When updating land use policies, building codes or community plans, include provisions to combat climate change; reduce sprawl; preserve and protect open space, biodiversity, and water supplies; promote compact, transit-oriented, bikeable and walkable communities; promote infill development; minimize new development in floodplains; maintain or establish healthy community forests; and promote best forest management practices and encourage tree planting, especially along waterways, to increase shading and to absorb carbon dioxide.

### **7. Plan for Adaptation to Unavoidable Climate Change**

Evaluate risks from unavoidable climate change, set adaptation goals and plan for adaptation. Identify climate change impacts (such as flooding, drought, and extreme temperatures) that could affect the community. Identify areas such as water supply and sewer infrastructure that may be at risk due to sea-level rise and future changes in climate. Factor risks into long-term investments and decision-making. Execute climate change adaptation and preparedness measures through local government planning, development and operations, giving priority to the highest risk areas.

### **8. Support a Green Innovation Economy**

Identify opportunities to incorporate climate protection, sustainability and environmental goods and service industries into economic development plans. Encourage workforce development training and school curricula that support the emerging green collar job sector, including renewable energy and energy efficiency, as well as climate smart solid waste management practices. Procure climate smart goods and services for local government operations and support modernizing of local and national electricity grids.

### **9. Inform and Inspire the Public**

Lead by example. Highlight local government commitment to reducing energy use, saving tax dollars, and adapting to changing conditions. Demonstrate the benefits of energy savings, energy efficiency, and renewable energy projects by hosting open houses; distributing fliers; holding local meetings; working with school districts, colleges, and universities to develop climate change curricula and programs; engaging faith-based communities in climate protection; and regularly communicating community climate protection goals and progress to constituents.

### **10. Commit to an Evolving Process**

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Acknowledge that research and policy on climate protection are constantly improving and evolving. Be willing to consider new ideas and commit to update plans and policies as needed. Compare successes, cooperate and collaborate with neighboring communities to redirect less-effective actions and amplify positive results.

**RESOLUTION #55-12**

**APPROVE PAYMENTS TO SPECIAL DISTRICTS**

On motion of Councilman Meyer, seconded by Councilman Ritter, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Board approve the payments to the Special Districts in the amounts shown in the 2012 budget.

**RESOLUTION #56-12**

**CHANGE APRIL MEETING DATE**

On motion of Supervisor Ropke Wingert, seconded by Councilman Ritter, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Board moves the April regular meeting of the Town Board to Thursday, April 5<sup>th</sup>, 2012 at 7:00pm.

**RESOLUTION #57-12**

**AUTHORIZE PERSONNEL TO TAKE DEFENSIVE DRIVING COURSE**

On motion of Councilman Meyer, seconded by Councilman Falk, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Board requires and approves any employee that operates a town owned vehicle for the Town of Tusten to take the defensive driving course through NYMIR at the towns expense of \$19 per employee.

A draft local law to amend the Camping and Sleeping Accommodations was introduced as follows. The zoning re-write committee will look at it also. Some Board members felt that the proposed fees were too high.

A local Law amending Town of Tusten Local Law # \_\_\_\_\_ of 2012 revising Section 6.2 regarding Campgrounds and Use of Recreational Vehicles (RVs) specifically adding Camping and Sleeping Accommodations.

**Be It enacted by the Town Board of the**

**Town of Tusten as follows:**

The Town of Tusten Zoning Law shall be amended as to add Section 6.2.3 Camping and Sleeping Accommodations:

**6.2.3 Camping and Sleeping Accommodations**

1. Camping permits are required as per the fee established by the Town Board and subject to approval by the Code Enforcement Officer. No recreation vehicle, equipment or shelters shall be used for living, sleeping, or housekeeping in excess of 26 days in a ninety (90) day period on an individual parcel or in any location except an approved campground. The owner of a residential lot occupied by a principal dwelling is exempted from the camping fee. All other articles of this law shall be complied with.
2. Only two permits per parcel will be issued in a calendar year.
3. Upon expiration of any camping permits all recreation vehicles, equipment or shelter accommodations must be vacated from the premises.
4. Existing recreation vehicles shall be brought into compliance with this standard within sixty (60) days of the enactment of this ordinance.
5. All New York State Department of Health regulations, including the disposal of sewage, must be complied with.
5. The recreation vehicle, equipment or shelter shall be placed in accordance with the schedule of district regulations where possible or within ten (10) feet of any property line. Any recreational vehicles or equipment shall be secured or anchored appropriately in flood hazard areas as deemed by the Code Enforcement Official.

Exception: Camping permits are not required for short term temporary stay as long as all sleeping accommodations/equipment is entirely removed from the property. Permit fee is to be raised to \$50 for 90 days.

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Supervisor Ropke Wingert discussed the sealing of the tile floor in the downstairs hall. It was installed a year ago and has never been sealed. She will get quotes and e-mail them to the board. Councilman Meyer suggested looking at a service contract for the floor.

The discussion of the status of the dog kennel was postponed for the next meeting.

There was discussion of the court bailiffs; whether they should be armed or unarmed. The bailiffs had been armed previously, however the previous supervisor had changed that unknown to the Board. The board unanimously agreed they should be armed.

**RESOLUTION #58-12**

**RE-INSTATE ARMED BAILIFFS**

On motion of Supervisor Ropke Wingert, seconded by Councilman Meyer, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Supervisor be authorized to reinstate the law enforcement policy portion of our insurance with NYMIR and requires that when the bailiffs serve in court that they are to be armed in accordance with their training.

**RESOLUTION #59-12**

**AUTHORIZE HIGHWAY SUPERINTENDENT TO ADVERTISE STONE BIDS**

On motion of Councilman Reynosa, seconded by Councilman Falk, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Highway Superintendent be authorized to advertise for stone bids to be opened at the next regular board meeting of March 12, 2012.

The Highway Superintendent asked for authorization to purchase the used trailer. He had located the best possible price for this trailer.

**RESOLUTION #60-12**

**AUTHORIZE HIGHWAY SUPERINTENDENT TO PURCHASE TRAILER**

On motion of Councilman Falk, seconded by Councilman Meyer, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Highway Superintendent be authorized to purchase a 2004 Kauffman 20 ton trailer at a price of \$8700.

Supervisor Ropke Wingert said that the Town's current Seismic Testing Moratorium is expiring. The MMTF is close to finishing the road use laws; hopefully they will be adopted by May. Until that is in place the Town should re-instate their moratorium.

**RESOLUTION #61-12**

**ADOPT SEISMIC TESTING MORATORIUM**

On motion of Councilman Ritter, seconded by Councilman Reynosa, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Town of Tusten Town Board adopt a 10 month moratorium prohibiting seismic testing within the boundaries of the Town of Tusten for the purposes of upholding the health, safety and welfare of residents through the repair, maintenance, and improvement of municipal road infrastructure funded by the public, for the purpose of preserving the original intent of the municipal right-of-way.

Supervisor Ropke Wingert established the following committees with the listed appointments:

Emergency Management Committee



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Carol Ropke Wingert  
Arthur Hawker  
Kevin Vertrees  
Replacement for Scott Birney  
Glenn Swendsen  
Kathy Michell

Committee for Luxton Lake

Tony Ritter  
Dick Crandall  
Norm Meyer  
Tina Spangler  
Rick Maloney  
Building Inspector  
Glenn Swendsen

Committee for Energy Plan

Replacement for Scott Birney  
Jason Simon ?  
Brandi Merolla  
Charles Blanchard  
Eileen Falk  
Star Hesse

Committee for Design Committee

Carol Wingert  
Andrea Reynosa  
Ed Jackson  
Tina Spangler  
Design Professionals:  
J. Morgan Puett  
Francis Cape  
Main Street:  
Stanley Harper  
Karl Wasner  
Citizen Involvement:  
Carol Coney  
Bruce Bidwell

The supervisor explained that the Design Committee would be looking at the Esplanade and the Town in general. Jane Luchsinger suggested maybe adding someone from the Beautification committee like Madeline Wootan.

Supervisor Ropke Wingert said that there are some problems with the engineering contract that was to be signed with Baton & Loguidice, P.C. as it was presented. Jeffrey Clemente did not like some of the wording regarding litigation as well as a few other things. The contract needs clarification before the Board can act on it. Susan Sullivan asked what the Town uses them for. Ed Jackson has them review planning jobs for him. This will be reviewed at the recessed meeting.

**RESOLUTION #62-12**

**ACCEPT RESIGNATION OF SCOTT BIRNEY WITH HEARTFELT REGRET**

On motion of Supervisor Ropke Wingert, seconded by Councilman Ritter, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that INSERT STATEMENT CAROL READ HERE

**BOARD COMMENT AND PUBLIC COMMENT**

Ed Kraus asked if there was anything the Town could do to make him stay. He said that Scott gave us comfort and security and has won so many awards. Scott said these are different circumstances than he left under last time. He is making a career move.

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The County-wide Litterpluck will be held on April 28 this year. Highway Superintendent Swendsen will provide a truck at the library for people to put the litterpluck bags into. He also said that he put a garbage can down on the ballfield at the flats since a lot of garbage has been thrown around down there.

Bernie Creamer said the Main Street railroad bridge needs to be fixed. It belongs to the IDA. Councilman Ritter will draft a letter to the IDA about the condition of the bridge. The lights on the interstate bridge have been out for a long time. Jan London asked for clarification on the RV trailers law. The law is to prevent people from living in campers year round. It does not apply if the person has a residence there, only on vacant lots.

**RESOLUTION #63-12**

**ENTER EXECUTIVE SESSION**

On motion of Supervisor Ropke Wingert, seconded by Councilman Falk, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Board enter into Executive Session at 9:32pm to discuss the employment history of a particular individual.

**RESOLUTION #64-12**

**EXIT EXECUTIVE SESSION**

On motion of Supervisor Ropke Wingert, seconded by Councilman Falk, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Board exit Executive Session at 10:10 pm with no action taken.

**RESOLUTION #65-12**

**CREATE POSITION OF CONFIDENTIAL SECRETARY/BOOKKEEPER TO THE SUPERVISOR**

On motion of Supervisor Ropke Wingert, seconded by Councilman Falk, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Board create the following position of Confidential Secretary/Bookkeeper to the Supervisor as a supervisor appointment to include the duties of water and sewer billing, purchasing agent and receptionist as well as the bookkeeping duties. The position will pay \$25/hour for a 30 hour work week with no health insurance.

**CONFIDENTIAL SECRETARY/BOOKKEEPER TO THE SUPERVISOR**

The responsibilities of the Town of Tusten Book Keeper shall include but not be limited to the following:

**DESCRIPTION OF DUTIES:**

Compute, classify, and record numerical data to keep financial records complete. Perform any combination of routine calculating, posting, and verifying duties to obtain financial data for use in maintaining accounting records. Check the accuracy of figures, calculations, and postings pertaining to business transactions recorded by other employees.

Complete and submit tax forms and returns, workers' compensation forms, pension contribution forms, health insurance, union forms and other government documents.

Complete payroll and compute deductions for income and social security taxes.

Check figures, postings, and documents for correct entry, mathematical accuracy, and proper codes.

Operate computers programmed with accounting software to record, store, and analyze information.

Comply with federal, state, and town policies, procedures and regulations.

Debit, credit, and total accounts on computer spreadsheets and databases, using specialized accounting software.

Classify, record, and summarize numerical and financial data in order to compile and keep financial records, using journals and ledgers or computers.

Calculate and prepare invoices, account statements and other financial statements according to established procedures.

Compile statistical, financial, accounting and auditing reports and tables pertaining to such matters as cash receipts, expenditures, account payable and receivable, profit and losses.

Code, date, and process all bills and documents according to town procedure for monthly board approval.

Reconcile or note and report discrepancies found in records.

Prepare bank deposits by compiling data from cashiers, verifying and balancing receipts, and sending cash, checks, or other forms of payment to banks.

Receive, record, and bank cash, checks, or other forms of payment to banks within 24 hours.

Reconcile records of bank transactions.

Monitor status of loans and accounts to ensure all payments are up to date.

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Assist the supervisor and board with budget preparation

Prepare monthly financial statement and expenditure report for the board meeting or as requested from the supervisor.

Perform general office duties such as filing, answering telephones, and handling routine correspondence, and in person inquiries.

Act as an assistant to the records management officer, performing RMO duties as set forth by current town and state policy. This duty will in no way be allowed to interfere with the book keeping functions.

Perform duties of water and sewer billing clerk, purchasing agent, receptionist and assist the highway superintendent.

Perform any other such duties as required by the supervisor.

**HOURS OF WORK:**

The normal work week will be from 8:00am-2:30pm, 30 hours a week Monday thru Friday with ½ hour for meal break.

There will be no availability to work additional hours unless in an emergency and the approval of the supervisor.

The book keeper must be available to the accounting team at the time of audit, and also to the supervisor at the time of budget preparation. The hours of the week may be deviated at such times that the best interest of the town are served with approval of the supervisor. The hours may be adjusted if requested by the book keeper with approval of the supervisor. In all instances of adjustment the total hours must be met.

**WAGE RATE:**

The rate for this position is \$25.00 per hour. This rate may be adjusted upon approval of the board.

**LEAVE:**

All leave will be based on a six hour work day.

**ANNUAL:**

Annual leave will be credited at twenty days per annum.

Annual leave will be credited on January first for each year.

Leave may be carried into the following year not to exceed thirty days total at any time. During the year no more than ten annual days at a time may be used without the approval of the supervisor.

During the first pay period in November of each year a total of ten annual days may be surrendered for payment at the current rate of salary.

There will be no payment for unused annual leave at separation.

**SICK LEAVE**

Sick leave will be credited at seven hours of paid leave after completion of each month of employment.

Sick leave will be credited while on paid leave of absence, but not while on an unpaid leave of absence in excess of twelve days in the calendar month, excluding an unpaid leave of absence due to a Workers Compensation claim.

Sick leave may be accrued up to a total of eleven hundred and fifty five hours (165 seven hour days). Any sick leave credits in excess will be cancelled.

After eight years of continuous Town service, and the employee retires and has been granted a retirement benefit from the New York State Employees' Retirement System, the Town will pay for up to two hundred ten hours of unused sick leave.

The employee shall notify the supervisor at least fifteen minutes before the start of the work day if sick leave is being used.

**BEREAVEMENT LEAVE:**

In the event of a death of an immediate family member, the employee may take a leave of absence, without loss of pay or leave credits, for up to three scheduled work days.

(Immediate family shall be the employee's spouse, children, spouses' children, mother, father, brother, sister, grandmother, grandfather, mother-in-law, father-in-law.)

**PAID LEAVE:**

The following are paid holidays.

New Years Day, Martin Luther King Day, Lincoln's birthday, Washington's' Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veterans Day, Thanksgiving day and the day after, Christmas Day. And ½ day for each Christmas Eve and New Years Eve.

**JURY DUTY:**

In the event the employee is required to perform jury duty on a date of scheduled work, the employee will receive a leave of absence without loss of pay or leave credit.

Upon notification of report to jury duty the employee must immediately submit a copy to the supervisor.

**RESOLUTION #66-12**

**HIRE GARY AMERBACH AS BUILDING INSPECTOR**

On motion of Supervisor Ropke Wingert, seconded by Councilman Meyer, the following resolution was

**ADOPTED AYES 5 NAYES 0**

**RESOLVED** that the Board hire Gary Amerbach as building inspector at a rate of \$17.50 per hour for 15 hours per week starting as soon as possible.

Igor Smetaniak will be submitting a letter of resignation shortly.

Councilman Ritter will get name suggestions for the road by the Methodist church from the people living on it and report the name to the town clerk who will follow up with the 911 center. Councilman Meyer has packets for the Board regarding the boiler, with quotes, suggestions, prices, etc.

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There being no other Board or public comment, on a motion of Councilman Meyer, seconded by Councilman Ritter , the meeting was recessed at 10:30 pm to February 27<sup>th</sup>, 2012 at 6:30pm.

Respectfully submitted, \_\_\_\_\_ Kathleen Michell, Town  
Clerk