



# Town of Tusten Town Board Meeting

Recessed Meeting Minutes

August 25, 2023

10:00am

Venue: Tusten Town Hall, 210 Bridge Street, Narrowsburg, New York

Zoom ID #890 1678 4280

## Present

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

## Others Present

Crystal Weston, Town Clerk

## 1 OPENING ITEMS

### 1.1 Call Recessed Meeting to Order

Supervisor called the recess meeting to order at 10:00am

## 2 BUSINESS

### 2.1 Park Project

- Discussion held between the board members
- ADA Compliant portable toilets are okay for temporary use for permanent in the future but also include a wash station
- Seasonal bathrooms due to weather, freezing things like that

### **RESOLUTION # 99-2023**

#### **PARK PAVILIAN BID**

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

#### **ADOPTED 5 AYES 0 NAYS**

**RESOLVED**, the Tusten Town Board will accept sealed bids on the Town of Tusten Park Pavilion. Full job description BID packets are available upon request & on the Town's Website ( [www.TownofTusten.org](http://www.TownofTusten.org) ) . Contact Crystal Weston, Town Clerk 845-252-7146 or by email [TownClerk@Tusten.org](mailto:TownClerk@Tusten.org) Subject: TUSTEN PARK PAVILION BID PACKET REQUEST. Said bids shall be mailed or delivered to the office of the Town Clerk, 210 Bridge St., P.O. Box 195, Narrowsburg, N.Y. 12764, clearly marked "BID: TUSTEN PARK PAVILION" no later than 3:00 p.m. Tuesday September 5, 2023. Bids will be opened Tuesday, September 5, 2023 at 6:30 pm at the Tusten Town Board Workshop Meeting ( Zoom ID [890 1678 4280](#)) in the Community Hall located at 210 Bridge Street, Narrowsburg NY. The Town Board reserves the right to reject any and all bids and to waive any irregularities in the bidding and to re-advertise for new bids

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### **3 PUBLIC COMMENT**

**Supervisor Johnson** [00:08:21] Any other comment from the board? open for floor for public comment. Doreen? sorry Mike ladies first.

**Doreen** [00:08:29] Normal people weren't able to see the Democrat you know on the first mailing; the Damascus playground and they had places for the children in the playground. I don't know why I call it the playground. And there's only that one thing. You know, the kids go up the stairs, down the slide, up the stairs, you didn't have a chance, so I just wanted to put that out.

**Mike Farrell** [00:09:05] Well, I told Bruce on the way in, this feels like the baseball game was rained out and then rained out again. So, we're here for the rescheduled game. Once the grand train started to move down the track, there didn't seem to be much discussion of alternatives to a pavilion. And listening to all of the comments that have come up and hearing all of them. The biggest complaint seems to be shade or lack thereof you go down there, it's wide open, there's no place to sit, no place to be comfortable. There are, since that seems to be an overwhelming complaint. There are alternatives to a full-on pavilion, such as a Sun shade sail. This was just taken randomly from Amazon, which is not necessarily the best source of anything. But as we can see, this can be accomplished for \$75, \$100 and you have shade.

**Pattie** [00:10:32] Okay. So, to follow up on the last two days ago, the controversy that many of us felt that there wasn't transparency about the square. So, what I want to say is that, yes, mentioning at a board meeting that you're applying for a grant, approving a pavilion down at the flats, talking about it that way is one thing but I want to say the devil is in the details because had the public known that the details of the specific grant was the size, the kitchen, the bathroom, and most importantly for me, commercial use renting it out. So, for me that is equivalent of our problems with having a public bathroom down there, renting it out for commercial use. I also want to say that I know I mentioned the flats, meaning that the park has been around for 50 years. I believe the president has been set for the use of that park. There's been many negative comments of like, well, if you why did you build a house next to a park, you know? Well, many of us don't live like right next to the park. We live in the surrounding area of the park in a rural residential, beautiful area down there. My concern is that mainstream is going to start creeping down there if we open it up in this magnitude with the size, the bathrooms, the amenities. I'm all for the youth program using, you know, having some space for themselves, I used to work for youth programs. I'm a licensed parental social worker, I've worked in Sullivan County for many years advocating for the youth. So I am not against the youth, but I am against mainstream commercial use creeping down into the flats. It's never been used that way for 50 years. We need to pause and go back to the drawing board. If it happens that this whole thing is going to be a pavilion, that down the road maybe not now we don't need a bathroom, but down the road there's going to be a bathroom. What's next? And are we going to have to rent out the pavilion to pay for said bathroom? Question, please go back to the drawing board on this one. Please vote no. Thank you.

**Councilman Triggs** [00:13:00] Can I ask a question? Yeah. Patty, before you step down. When you told, I think that one of the dangers here is we all have different definitions of terms that get used, Right? So, when you say commercial use, what? What does that mean to you and what is the concern you're expressing? because that's a broad question.

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**Pattie** [00:13:21] Sure. Is renting it out for and then you set up the August 8th, meeting it would be kind of like Lakawaxen what they do in their pavilion. And that was like woah because I've been to Lakawaxen and their pavilion I know what they do down there.

**Supervisor Johnson** [00:13:35] That was that was a very bad example.

**Pattie** [00:13:38] So that got me back out my hair like, oh no, we can't do this down here on the flats.

**Supervisor Johnson** [00:13:44] You know, I was more haring or attempted to compare what we do like here. When residents use it for here, to down there. There are concerts, car shows. Now, what? I went on the list on Laxawaxen I started to see what they had there and it was kind of like, Yeah, that's not going to fly.

**Pattie** [00:14:03] And the key word is residents, because if you open up one familiar with other Park circle, I mean, I've lived in this area all my life. I'm familiar with all the other parks and around here you open it up for, oh, anybody can come rent it. Who was going to monitor that? What's going to happen? A group comes in, there's a hundred people down there and somebody else wants to use the park so it's closed. It becomes, when I say commercial, it becomes a moneymaking commercial entity and it's not congruent with what has been there for 50 years. So, there's again, there's a precedent has been set about the use of that park. And what the board is trying to do now is come in and reinvent the use of that park. So, you know, the neighbors, you know, you have a lot of elderly people to The Krauses, the Rasmussens, they all signed a petition of the original for the original plan and they didn't even know because they're not you know, they're not on the Internet they're not if there is no really public transparency and that's when I say the transparency is one thing of saying, oh, we're going for Grant. Great. What's in the grant? How do you get access to it? So, a lot of us had to do some digging. And I just think that it's it had we had this conversation, we had this information a couple of months ago, we wouldn't be at the last inning, you know, we wouldn't be here today, all feeling stressed out, rushed in, in a contentious manner and it's not what we're all about. So, I really urge the board to reconsider what we're voting on here and how it's going to impact us. okay, please, it's kicking the can down the road. Well, we can we can build in the future. We have to build the path. You know, let's not tie ourselves into something that we're going to regret. Thank you.

**Councilman Triggs** [00:16:03] Can I just make one more suggestion when you talk about the rental process? I've gone on quite a few municipalities websites, checked how they go about that, and there is a process that requires approval. There is an application to do so. It is monitored and I think there has been some discussion about how that would happen. We can't give you an answer right now, but that did calm my concerns just a little bit to look on some of those websites. so, it's not the wild, Wild West. I apologize to anyone who has ever lived in Laxawaxen and I'm not familiar with their park department, but what those are used for but there does seem to be a vetting possible of what is appropriate and therefore approved and what is inappropriate and then the other thing about that would be, number one, I think now the capacity of the shelter is 36 people, if you say six people at picnic tables. So, it's considerably smaller in terms of scope that might be approved related to the pavilion if it goes forward. But there is also a fee for residence, which is significantly less than nonresidents, which may drive people's choices as well. Those are the variables I've learned about. So, I just want to make sure you have all the information

**Pattie** [00:17:30] so to follow up...

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**Supervisor Johnson** [00:17:32] I think Greg, one of the things that the board should probably do is speaking to the committee chairperson for the Parks committee and ask for by the next meeting to have a lay out before we vote on any bid specs to come in. How this is going to be, how this is going to work, how is who is going to be able to rent them and who is going to be able to hold an event. And when I say event like a birthday party...

**Supervisor Johnson** [00:18:10] Of Policy procedures with a possibly even with a fee schedule for that point but have it to the board before the vote so that we know what we're doing.

**Councilman Triggs** [00:18:20] I think that's a fine step.

**Pattie** [00:18:25] And I guess the other point would be, you know, are we building something that we have to rent out in order to pay for it? And, you know, once, you know, Hoboken HEY people for Hoboken are coming here now. All right. So, somebody from Hoboken wants to come down and end the rents on a residential park in our neighborhood. That's an issue. How are you going to say, well, you're from Hoboken, you can't you know, it's just and that's almost like a full-time job. Who's going to monitor? That's like that's like we're we are inviting you to send all of the monitors.

**Supervisor Johnson** [00:19:03] Monitors there it's going to fall in the clerk's office.

**Councilman McDonough** [00:19:09] You already had something on the basketball court or somebody set up a clinic and the people who were playing there said, hey, you know, we don't want you. We're glad that we don't have the staff, we don't have that. We don't have a rec department. We don't have a guy with a whistle. And do we want to have a guy with a whistle and, you know, can we afford a guy with a whistle? These are my I don't want to be negative. I don't want to be Mr. No, But, you know, I'm just these are the reservations I have.

**Pattie** [00:19:37] Thank you.

**Councilman Triggs** [00:19:38] I'm not trying to talk you out of your opinions. I'm just telling you that's what I've learned.

**Pattie** [00:19:41] No, I'm glad there is a thought behind it. Thank you. But it's just like I want to go back to the original question. Do we need do we need to rent it out? If it's just for the local people, just come use it, you know, and I'm all for it. If you if the youth need to use it, fine that that's local. That's part of this. Fine, you guys use it. But on my question is people from Hoboken, people from wherever.

**Supervisor Johnson** [00:20:06] I don't I don't necessarily think that we need to rent it out, but I think it needs to be scheduled if there's events so people know

**Town Clerk** [00:20:13] Think I can tell you that this past year there was 4 birthday parties that happened down there, that people called the town and said, oh, do you rent out the playground or do I need to get approval to utilize to have a birthday party? The town doesn't have a rental or anything else. So that aspect, well, there's a lot of extra garbage those days that we need to do.

**Supervisor Johnson** [00:20:34] What we want to do, you know, if we're going to charge. Yeah, you know, how do you tell a resident? No, you can't. But I think that's what the committee needs to bring back

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[00:20:40] inaudible

**Pattie** [00:20:45] Yeah, I was down there. The one there was like 200 kids down there, the one last month. But yeah, it was a lot of a lot of people down there. All right. Thank you for listening. And please consider.

**Supervisor Johnson** [00:20:55] Val?

**Val** [00:20:55] I had a question, so my question about the Bidding process is that that's also assuming that somebody is going to follow the rules or that they fail to check if there is rules in place. What about people that want to stop somebody, a group of 20 people from just showing up and having a party? They're bringing their own grill. I mean, I grew up on Long Island across the street from a park. There was no pavilion, no space, no grills. That wasn't the purpose of the park was not for that really just like ponds with ducks and you could walk through but one time there was a family that brought their own grill. They're on speaker, and they were having a little party, a cookout in the park, which you're not supposed to do. So, who is going to be monitoring that and making sure and enforcing the rules? Do we have something in place for that? Right?

**Supervisor Johnson** [00:21:55] yes, Iris?

**Iris** [00:21:59] (inaudible) Andrews wanted to create a mixed-use proposal for the flats. It was completely vetoed by the ZBA because the town was excuse me, the flats were very emphatic about it being residential and, you know, it is a mantra of mine that the flats are residential, not commercial, once you open the door, you cannot close that door again. Once you let the genie out of the bottle, the genie does not go back into the bottle. Who is to say if somebody has a commercial thought enterprise, whatever to use in the flats. How are you going to differentiate this commercial from that commercial? The flats are residential, if you want to have birthday parties, just like when there were parties down there. When the kitchen was usable just because they are parties, you ask. I'd like to use yada yada. And the town says, okay, we know you're going to use it. About how many people? Fine, It's still residential. It's still something that is not for commercial use. Commercial is commercial and residential is residential. And you can't combine the two and expect it to stay residential. It really is a residential part and as an educator, as a teacher for 31 years, as a supervisor, as a parent, as a grandparent, I love children. It is not about saying no to children. God knows I would not have been a professional involved with that for my entire professional career. It is about changing the dynamic. The entire purpose of an area to something that you can't ever close the door on again. Once it's open, it's open. Thank you.

**Supervisor Johnson** [00:24:13] You are welcome, Doreen?

**Doreen** [00:24:18] It didn't go up before.

**Supervisor Johnson** [00:24:24] we're giving exemptions

**Doreen** [00:24:26] Wanted it does say about the pavilion that I probably live the closest to the playground. A couple of years ago granted, not recently, but there used to be a crew and I'd wake up, my husband never heard anything and I go into the bathroom and the language and this is two, 3:00 in the morning and I wouldn't wake him up because I knew he'd go over there and who knows anymore what these kids are like and that's a big concern of mine. You know, if you build it, they will come.

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**Supervisor Johnson** [00:25:19] Yes, Eugene.

**Eugene** [00:25:31] Good morning. Thank you very much for putting this recess meeting into place. I really appreciate all of you attending here this morning and taking the time to go back and contact the state and I think before a shovel is put into the ground, I think it would be prudent to get the classification of the structure, the area of assembly from the state in writing. It's very difficult area to figure out does this qualify as a grandstand, as an area of assembly, which has different regulations than if it was another type of structure? So, there's very there's a lot of different classifications within the code and I think it would be prudent to get this classified because specifically it doesn't appear that the word pavilion or gazebo appears, but it seems to possibly fall into the grandstand classification if that's the case. It would just be nice before a shovel was turned that the town has that from the state and we know where we stand presently and then in the future work.

**Supervisor Johnson** [00:26:45] More from the floor? anybody on zoom?

**Doreen Krous** [00:26:50] yes, Mary

**Mary** [00:26:54] Great. Hi, guys. Thank you for everything that you do. I normally don't speak up at a at any town board meeting because I'm on the planning board. But I do have a question for the board itself, considering the fact that I do citywide events. I do. I'm in charge of a lot of different youth events. Number one, I deal with a lot of permitting process, whether it be local or city or state wise. My question to the board, and I don't know if this is apropos to ask, you know, if you're thinking about renting or, you know, allowing some type of party or gathering. Most of the times. And I don't know if this is, you know, appropriate for the town is whether or not who carries the insurance, because the liability and I know we're small town. I know that we have insurance and all that details then I don't need to get into. But sometimes you have to have a certificate of insurance holder. And my concern is, is it's more about the taxpayers, rather. Yeah. And the cost to it. Now, also one other question is that I do a lot of grant writing for the city, for many different organizations. My question to you is that is the Tustin Youth a501 seat or is it the town? Because I would like to forward as many grants that I get and I get a lot of them right now to whoever I need to, because some of them are very appropriate, not only for the youth Commission, but for the town itself. Thanks for your time, everybody.

[00:28:47] inaudible

**Town Clerk** [00:28:55] We do have it; it was made years ago and we are in the process of trying to get back up and find it. So as the Tusten Youth committee is town, there is a Tusten Youth 501C3as well so we have both

**Mary** [00:29:11] Thank you, and what about the insurance question then that I did ask.

**Supervisor Johnson** [00:29:16] The one as far as if somebody was to utilize the pavilion, they would be required to give insurance.

**Mary** [00:29:23] Thank you. Appreciate your time, everybody. Thank you for all your assistance.

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**Supervisor Johnson** [00:29:27] All of those questions should also be put out to the committee when they put together a policy and procedures.

**Councilman McDonough** [00:29:32] That's certainly true. People who use the library meeting regarding entries, they know they have to have insurance. If any of the testimony, the chess club or whatever needs they have to.

**Supervisor Johnson** [00:29:44] I think, Lisa, I got still someone on Zoom, Lisa?

**Lisa** [00:29:49] Hi. Thank you. So, I just wanted to raise I think it was Jane that said that there was an article in the Hoboken newspaper about telling people to come to Tusten, could come to Narrowsburg It's a great area. We are happy that that article was written, yet we're not doing anything as a town to draw more families and more individuals here, make it more comfortable for them to come here. Everybody's against the bathroom. Everybody's against doing a pavilion. Why not? It's actually I cannot believe that everybody is against making our town better. The pavilion will make it better, not just for our residents, not just for the families in town, but also for visitors that come. Perhaps we would have more business, more individuals come to know Roseburg, if there's a place for their children to play, if they go on Main Street, they have lunch and then they go down to the flats and play there. They're not going to stay for hours upon hours as somebody is alluding to that. It's going to you're going to bring the commercial business from Main Street down to the flats. You know, everybody keeps saying. Also, the other thing is if everybody is completely against the pavilion and keeps saying that this is a residential area and it needs to stay residential, well then, I have a proposal. How about the town sell the land to a developer to build residences. Build homes there, get rid of the flats altogether, and put buildings. If everybody wants to remain residential, then go ahead and do that and get rid of the park completely. Now, your house is going to be across the street from another house. That's all that I have to say.

**Supervisor Johnson** [00:31:41] Iris?

**Iris** [00:31:45] So this may be a little tangential. However, if we are talking about, let's just say this space here, it was not too long ago that this space here had an available kitchen. Is there anything being done to bring back? And I understand there are plumbing issues there, maybe some structural issues, but that's not going to happen...

**Supervisor Johnson** [00:32:09] I know you're going with the kitchen. Yes, there are plans on that. We have just purchased within the last five or six weeks a container in order to move the items that are in the kitchen to the container. The HORSE just got moved yesterday, so now I can get Highway to move the container so that the kitchen then can be redone or not redone so that the stuff can come out of the kitchen, but Moorehead architect has started his interviews here in town in order to determine the best use of our space to work within the kitchen to get it open back up. It is going to be contingent on what his report shows to us and how much space we need, because that will determine how much community space, we have left downstairs after we figure out what we need for offices. I've been in touch with the Meals on Wheels program, Jane Bozan, and I told her that we were in the process of getting stuff done so that we get the Meals on Wheels back here and the nutrition site back here in this town hall.

**Iris** [00:33:15] So that is very positive. Kudos to here. I'm really very glad of it because the space has been improved. The bathrooms certainly have been improved. I'm glad to know that there is forward momentum now to make this kitchen viable, usable. Thank you.



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**Supervisor Johnson** [00:33:38] Yes. Val?

**Val** [00:33:47] So I did look up the part that I was referring to that I grew up across the street from it and I didn't know that this was a thing, but it's considered a passive park. So, there is a difference. Nassau County has active parks which are large, offer diverse activities and heavily used by the public, which tend to have full time onsite staff and passive parks, which are far smaller and limited to local usage, in many cases consisting of a single athletic field or small green area. So, I feel like this is something to consider because since it's in a residential neighborhood. It is more of a passive park that's how it's always been used and now if we're going to turn it into an active part, it does require some sort of staff and maintenance. And we are changing the use essentially of a park. So. It's not something to be taken lightly I feel like.

**Supervisor Johnson** [00:34:38] Anyone else from the floor? now from zoom? Final board comment?

### Board Comment

**Councilman McDonough** [00:34:53] I have a broad question. I just want to hear more about the horse and what's happening?

**Supervisor Johnson** [00:34:59] I was going to be funny and say, Yeah, yeah, yeah, they came and unhooked the electric from it.

**Councilman McDonough** [00:35:10] So it's in liberty?

**Supervisor Johnson** [00:35:11] It's a liberty good.

**Councilman McDonough** [00:35:13] Oh Good great and so it's going to be it'll it's found a better home.

[00:35:36] Discussion with Supervisor and Councilmembers.

**Supervisor Johnson** [00:35:36] So I spoke to Donny, said that definitely was not happening this week the guys who are out paving roads for the other towns but he was going to do it as soon as they can.

**Councilman Triggs** [00:35:47] Two things, as the committee looks at the policies that we've been discussing. Could we also nail down where those portlets would be put as part of the scope now? And could we also have some discussion about after out to Doreen's point about after our policies, what could be put in place to discourage those things and create accountability. I've been obviously we've all been thinking about this pavilion a lot and we were all paid for the time the word pavilion is mentioned, we would be through the grant already, but I thought about it long and hard enough, but I didn't live on the flats. Would I still have the same opinion and I still have the same concerns and I would because it is more than anything I care about safety and how things are going in Beaver Brook. So as a community, I think we do tend to look out for each other. I'm concerned about that. I sometimes I walk past the park and I'm just aware of my own responsibility and the safety of my neighbors. If I see someone in the park after hours, I tell them the park is closed and my ferocious little dogs bark a little bit. You can borrow more money if you want. Anyway, it would just it would be nice to have those things taken into consideration because when those things happen, it feels a little



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overwhelming and as though you're alone in the concern so to know that there are certain steps in place will be helpful and encouraging. Thank you.

**Supervisor Johnson** [00:37:40] I mean, we do have the comments that have gone on over the last several meetings. I would encourage people that have concerns as far as what they would like to see a policy to emails the town clerk or myself. Again, we're putting something together that may or may not come to fruition, but I think before we have any vote on the structure and we know how we're going to be utilizing. So, I mean, you've got the ability to let us know what you want in that it gets voted down and we just did extra work to you know, I think that was required in order.

**Councilman Triggs** [00:38:20] they could provide the context for the decision. Right. This this these are first steps that may involve the idea of things.

**Town Clerk** [00:38:29] And I don't think that those will be wasted because, like I said, there are people that have been calling our office and asking them.

**Supervisor Johnson** [00:38:35] A little disappointed right now, because I know that, you know, Peter Gabriel probably won't be playing the flash flashy leader. And our tribute to our music is how you and Donald Trump all that is rallying. Well, I think we don't need to recess. Yes, there is a kitchen with bathroom facilities. Nobody rented.

**Supervisor Johnson** [00:39:04] Where?

**Councilman Gettel** [00:39:05] I run the firehouse in Lava, there's a pavilion there, There's a kitchen, there's bathrooms. People don't want to pay the insurance to rent it. It's a perfectly good pavilion.

**citizen** [00:39:16] How would you like a new pavilion?

**Councilman Gettel** [00:39:18] No, but it is. And, you know, we have I understand the pine trees were taken down. So there, when your shade, you need some sort of a shade spot, that's a given but worried about people renting it. Even if it happens, people don't rent the one that's in the area now. It's I don't think it's been rented and probably ten years. Nobody wants to pay that insurance money. All right. And like I said, if someone want to rent it, there's a perfectly good pavilion right there. But nobody does. And I would be concerned about Main Street coming down on the flats, too, because my mother lived there for a long time and it is nice and quiet. The best thing that happened was the garden was taken down because that was just a weed festival. All right. So, and it looks better without it there. But I am I will get all the information, get plans, See what? I'm kind of on the fence and I don't live on the flat. But my mother still would be concerned. I like to see the idea that the ball game was going to be utilized again, you know, because that's vital for many years. I'm glad that that's coming back around because our kids, my little guide and our grandson would love to play baseball, but I'm not going all the way to liberty for him to play baseball. So, things like that. I think it's time to take a slow roll. I just there's just certain concerns. And you put a restroom down. There are people from Main Street going to come down there and use that restroom, and we're going to think about that.

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### 4 **CLOSING ITEMS**

#### **Meeting reminder**

- Town Board Workshop is Tuesday September 5, 2023 at 6:30 PM
- Regular Town Board Meeting is Tuesday September 12, 2023 at 6:30 PM

#### **Adjournment**

With no further business to be had, the meeting adjured at 10:46am on motion of Deputy Supervisor Luchsinger, seconded by Councilman McDonough All in favor.

Respectfully Submitted,  
Crystal Weston, Town Clerk