

## Town of Richford Planning Board

MINUTES – May 5, 2015

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PRESENT – Charlie Davis, Bill Stell, Victoria Nuzzo, Emilie Stuhlmiller, John Schwartz,  
EXCUSED – Chuck Merrill, Doris Caskey  
GUEST – Dick Thurston

Meeting started at 7:01 pm.

Reviewed the April 1, 2015 minutes. Davis moved and Stuhlmiller seconded to accept the March minutes. Unanimously approved.

### OLD BUSINESS:

Nuzzo discussed current status of the draft Comprehensive Plan Update. She will send out the most recent updated version tomorrow morning so CPC members can review before the next meeting.

### NEW BUSINESS:

Discussion about the post office. So far no action taken on installing a pad for post office boxes here. Suggestion to emphasize this in the next newsletter. Stell stated the Post Office refuses to deliver mail to his end of the road, even though there are now five addresses on the road. Davis discussed the new logo for the newsletter created by Joe Kral. The logo and beige paper hopefully differentiate the newsletter from junk mail. Davis suggested modifying the artwork, to have the image more closely resemble the hills of Richford. The newsletters were mailed out over a week ago and none have been returned so far, although this may reflect Post Office delays.

Davis discussed the training held in Owego. Stuhlmiller inquired about the different materials available from the state, sent to us by County Planning Department head Elaine Jardine. Stell emphasized that he appreciated that Jardine invited inquiries about any land use or planning issues. The Department has a lawyer who will provide services free of charge, a great benefit to Richford as we will not need to pay the Town lawyer. Jardine emphasized that the County Attorney is specialized in Town law and that very few attorneys in the area have that specific knowledge.

Davis described a conversation with the Binghamton Code Enforcement Officer who said they never seize a property that needs to have a building removed: they wait for it to go up for tax sale, and then receive it for free. They never pay for demolition as the taxpayers would not tolerate that action – instead, they apply for grant money and use the grant money to pay for demolition. Stell read the Town's official building and fire code, and stated that the Town Board has not followed their own Town code. Davis said this might be a good topic to ask Jardine about. Considerable discussion about the burnt house and failure of the Town Board and the Code Enforcement Officer to follow the Town law.

Discussion about the Board of Appeals: Jardine stated at the Training in Owego that a Board of Appeals can ONLY be used if a Town has zoning. This will be brought to the Town Board's attention at the next meeting. The Richford Board of Appeals should be disbanded in order to comply with State law.

Discussion about the Code of Ethics. The State sets standards and tells local municipalities to set their own standards, but there are at least 4 requirements that must be addressed. Davis stated the Town could follow the County code, but there is concern about the financial disclosure requirements. NYS states that any community over 50,000 residents must have financial disclosure.

The NYS Code of Ethics is vague, so it can be modified for each community. Davis suggested that the Town create a three-member Ethics Board and they can fine-tune the law. Stell stated that Davis had already provided a useful draft and there should be no additional work made on this Code. Councilmember Roberta Holcomb created a three-page version of the Code, but it omits the 4 mandated provisions. Thus it does not meet the State guidelines. Schwartz stated that Davis has suggestions to the original, and the Planning Board can agree or disagree to each suggestion, and then give the version to the Town Board. Davis suggested not requiring financial disclosure, and having a 3-member Code of Ethics Board. There are concerns about being a small town and many residents have relatives in the Town, but there are ways to follow the Code regardless of having relatives. Davis provided several examples of potential problems and how to handle each.

Nuzzo questioned having a Board of Ethics. She felt it was not realistic in the small community to have three members who would study the Code and be fully informed and ready to serve on the Board. Schwartz stated that given the limited number of residents, and asking three people to write the full law and also be on the board, is not feasible; unlikely that the 3 members would meet monthly and discuss issues and be trained. He suggested having Davis tweak the original draft, and use the County's Ethics Board. Nuzzo concurred, stating that the County Ethics Board would have no bias. Davis suggested a local Board would know the ins and outs of the local situation. There have been few known conflicts, but Schwarz reminded the Planning Board of the problem when a resolution in favor of drilling was sneaked through the Town Board a few years ago. Nuzzo stated this is a good example of using the County Ethics Board so there will be no bias or argument. Merrill stated that it is important to have the full information in the local Code of Ethics so if a conflict arises the issue is covered. He suggested keeping the longer version. The minutes of a meeting must include any recusal by an individual and the reason why. The person can speak up during Public Comment period. Stuhlmiller read the longer version about the Ethics Board and Stell agreed that the Town does not need an Ethics Board. Schwarz moved to amend the original draft with a reference to waivers and exemptions referencing the State law section 19. Stell seconded. Unanimously approved. Nuzzo suggested sending the draft to the Town Board very soon, so they can read the materials before the next Town Board meeting, and can accept and pass the resolution.

PRIVILEGE of the FLOOR:

Dick Thurston submitted a hand-out for a presentation by Tom DeWeese on property rights, and suggested the Comprehensive Plan should be careful about restricting individual rights.

Stell moved and Nuzzo seconded a motion to adjourn the meeting. Unanimously approved.

Meeting adjourned at 8:35 p.m.