TOWN OF LONG ISLAND PLANNING BOARD
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Planning Board Meeting Minutes
April 8, 2008

Present: Nancy Berges, Brad Brown, Emily Jacobs, David Johnson, Tom Johnson, Curt Murley and Ruth Peterson
Guests: Nancy Jordan

1. Meeting Convened:

Meeting was called to order at 7:19 PM by Chairperson Jacobs with seven (7) members present. Quorum met.

2. Minutes of Previous Meetings :

It was moved by David Johnson and seconded by Ruth Peterson that the minutes of the March 11, 2008 meeting be accepted with corrections. The motion was unanimously approved.

It was moved by David Johnson and seconded by Nancy Berges that the minutes of the March 25, 2008 meeting be accepted as read. The motion was unanimously approved.

It was moved by Nancy Berges and seconded by Tom Johnson that the minutes of the April 2, 2008 meeting be accepted as read. The motion was unanimously approved.

9. Other

a) Possible Ethics Issue

The Chair requested that this item be considered first since there was a member of the public present who wished to make a statement to the board concerning this issue.

The Chair noted that two members of the board had signed a petition being circulated by John Wary related to changes to the Land Use Ordinance. She went on to say that if changes proposed in the petition were enacted they could affect the board's decision in an application that Mr. Wary currently has before the board and that this therefore raises the issue that these members are biased in favor of the applicant. The members in question are Brad Brown and David Johnson.

Nancy Jordan stated that the integrity of the town's boards is very important and that any appearance of impropriety by members damages their effectiveness. She then said that board members should not sign a petition proposing changes to the Land Use Ordinance being circulated by a party having a application before the board when the petition is related to the application. This, she said, gives the appearance that the members signing the petition are biased in the applicant's favor. She went on to request that the petition signers withdraw from participating in the board's decision on the Wary Spar project application. Mrs. Jordan concluded her remarks by noting she has previously sued the town regarding inappropriate action by a town board.

Brad Brown said that he was not biased in Mr. Wary's favor regarding the Spar project but

rather, on the contrary, wanted to insure that Mr. Wary get a fair hearing before the board. He further stated that his signing the petition did not indicate he was in favor of it, but rather that he felt the town should have the opportunity to consider it.

David Johnson said that he too was not biased in Mr. Wary's favor and that he had only signed the petition so that the town could consider it. He went on to say that he would voluntarily withdraw from voting on the Wary Spar project when it is considered by the board.

There followed a long discussion as to how the board should proceed in this matter. The result of this discussion was the general agreement, by the other board members, that the petition signers were not in fact biased in this matter, however, the fact that they signed the petition was unfortunate and could lead an outside observer to conclude that they were biased. Brad again stated that he was not biased in Mr. Wary's favor and that he would only withdraw from voting on Mr. Wary's application if the other members of the board voted to request him to do so. In regard to board bias, he went on to say that he was concerned that the conduct of the board chairperson at previous meetings left the impression that she was biased against Mr. Wary. The chair strongly objected to this characterization of her actions saying that it was her intention that the board scrupulously adhere to the requirements of the Land Use Ordinance in handling this application. She went on to quote a land use ordinance and stated that if the ordinance was enforced the project could not be approved. At this point Curt Murley strenuously objected saying that it was inappropriate for a board member to make such a statement in public regarding a pending application before the applicant has had an opportunity to present his case.

Being unable to reach a consensus as to how to proceed, the board agreed to table the issue until the next meeting.

3. Public Hearing: None

4. Correspondence: None

5. Report of the CEO: None

6. Committee Reports: None

7. Old Business:

a. Time Limit for Construction

This item was tabled for further discussion.

b. Subdivision Application Form

This item was tabled until the next meeting.

d. Proposed Wind Energy Ordinance

The Chair distributed copies of several documents relating to wind and other alternative energy producing system.

The hour being late there was no discussion of this item and it was tabled until the next meeting.

9. See above...

8. New Business − Code of Ethics

This item was tabled until the next meeting.

10. Adjournment:

On a motion by Nancy Berges that was seconded by Ruth Peterson the meeting adjourned at 9:00 PM.

Submitted by:

Curtis Murley
Secretary, Town of Long Island Planning Board

Cc: Town Clerk
Board of Selectmen