

May 24, 2021

Minutes of the Regular Meeting of the Town Board of the Town of Smithfield held  
**May 11, 2021** at the Smithfield Community Center Commencing at 7:00 p.m.

Present:

Supervisor	Thomas J Stokes
Councilperson	James Corpin
Councilperson	Brenda Goff
Councilperson	Richard Looft
Councilperson	Nell Ziegler
Highway Superintendent	Dan Davis
Town Clerk	Janice Sebring
Codes Officer	Larry Cesario

Others Present: Town Attorney James Stokes

-The meeting was called to order by Thomas Stokes, Supervisor.

-Pledge of Allegiance

**Public Hearing-Local Law #2 Changing the Date for the Meetings of the Board of Assessment Review**

On a motion of Supervisor Stokes seconded by Councilperson Richard Looft Public Hearing was opened @7:05.

Supervisor Stokes read Notice of Hearing for the record.

With no persons present to comment for or against, Supervisor Stokes closed the Public Hearing @7:10

**Public Hearing-Local Law #3 Imposing a Moratorium on Establishment of Commercial Wind and Solar Energy Facilities within the Town of Smithfield.**

**On a motion of Supervisor Stokes seconded by Councilperson Brenda Goff Public Hearing was opened @7:10**

Supervisor Stokes read Notice of Hearing for the record.

With no persons present to comment for or against, Supervisor Stokes closed the Public Hearing @7:13

**The Regular Meeting was Convened**

**Resolution # 43 – 2021**

**APPROVAL OF MINUTES of April 13, 2021**

On a motion of Councilperson James Corpin seconded by Councilperson Richard Looft

**Resolution #43-2021** was

ADOPTED: Ayes 5- Supervisor Stokes Councilperson, Richard Looft, James Corpin, Brenda Goff and Nell Ziegler  
Nays 0

**Resolution #44-2021**

--**Supervisor's Monthly Report** – of Receipts and Payments for April 2021 was read and filed. General Fund Revenues totaled \$1469.40 with expenditures of \$14,234.97

Streetlight expenditures totaled \$ 246.37

Highway fund revenues totaled \$.28 Expenditures, of \$15,041.57 Profit and Loss Budget vs. Actual was, presented for both General and Highway Funds for January-April 2021.

On a motion of Councilperson James Corpin seconded by Councilperson Brenda Goff

Resolution #44-2021 was

ADOPTED Ayes 5-, Supervisor Thomas J Stokes Councilperson, Richard Looft, Brenda Goff, Nell Ziegler and James Corpin

Nays 0

**Resolution #45-2021**

**Town Clerk's Monthly Report -**

- Receipts and payments for April 2021 read and filed. Gross receipts totaled \$520.00 Town retained \$450.26 Clerk Sebring also reported that the Town collection of Property Tax was reconciled with Madison County Treasurer Department.

On a motion of Supervisor Stokes seconded by Councilperson James Corpin

Resolution #45-2021 was

ADOPTED Ayes 5-, Supervisor Thomas J Stokes Councilperson, Richard Looft, Brenda Goff, Nell Ziegler and James Corpin

Nays 0

-**Codes Enforcement Report** – Report was read and filed. Codes Officer Larry Cesario also reported that he has sent out several letters of Order of Remedy. Mr. Cesario recommended that the letters of Order of Remedy should actually should be a Court Appearance Ticket. Attorney Stokes recommended Codes Department Complaint Forms be on the web site. Attorney Stokes further, explained the procedure of a Court Appearance Tickets.

-**Planning Board** – Nothing to report

-**Zoning Board** – Nothing to report

-**Highway**– Superintendent Davis: The Town will be receiving approximately \$ 155,000.00. from CHIPS. It will be used for the Towns infrastructures. Mr. Davis also reported that the asphalt under the Salt Pile is deteriorating and needs to be repaved.

**Public Courtesy of the Floor:**

No one present to speak.

**Old Business:**  
**Hamlet Improvements- The Board discussed several options for locations of sidewalks.**  
**New Business:** - None

**Resolutions:**

**Resolution #46 Adopted the Local Law #3 Changing the date for the Meetings of the Board of Assessment Review for the Town of Smithfield**

**On a Motion of Supervisor Stokes seconded by James Corpin the following resolution was adopted by Roll Count.**

Supervisor	Thomas J Stokes	Aye
Councilperson	James Corpin	Aye
Councilperson	Richard Looft	Aye
Councilperson	Nell Ziegler	Aye
Councilperson	Brenda Goff	Aye

**WHEREAS**, at the request of the Town Supervisor, the attorney for the Town has prepared and resented a proposed local law entitled, “A local Law changing the date for the meetings of the Board of Assessment Review of the Town of Smithfield to hear complaints in relation to assessments”, and

**WHEREAS**, the proposed local law is intended to change the date for Grievance Day, which is normally the fourth Tuesday in May, to the second Tuesday after the fourth Tuesday of May as authorized in section 512 of the Real Property Tax Law, and

**WHEREAS**, upon notice duly publishes and posted as required, a public hearing on this local law was held on May 11, 2021, which public hearing was, or is hereby closed, and

**WHEREAS**, the adoption of this local law is not an action that may have an effect on the environment as defined by the implementing regulations of the New York State Environmental Quality Review Act, and is therefore not an action subject to SEQRA.

**NOW, THEREFORE, IT IS HEREBY RESOLVED as follow;**

After due deliberation, the Board finds it in the best interest of the Town of Smithfield to adopt this local law, and does hereby adopt this local law entitled “A local Law changing the date for the meetings of the Board of Assessment Review of the Town of Smithfield to hear complaints in relation to assessments.” The Town Clerk is hereby directed to enter said Local law in the minutes of this meeting, and to give due notice of adoption of said local Law to the Secretary of State.

Dated: May 11, 2021

**Resolution for review.**

**ESTABLISHING ENERGY BENCHMARKING REQUIRMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

**WHEREAS**; buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings-for the exact same building use; and

**WHEREAS**; collecting, reporting, sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Smithfield is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**; the Town of Smithfield desires to use building Energy Benchmarking- a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings- to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Smithfield and

**WHEREAS**; The Town of Smithfield Town Board desires to establish procedure or guideline for the Town of Smithfield staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted;

**BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

**1. DEFINITIONS**

- (A) “Benchmarking information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- (B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.
- (C) “Commissioner” shall mean the head of the Department
  - (4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Smithfield that is 1,000 square feet or larger in size
  - (5) “Department” shall mean the Highway Department
  - (6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on -site electricity generation, for the purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.
  - (7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.
  - (8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Therman Units) used per square foot of gross floor area.
  - (9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.
  - (11) “Portfolio Manager” shall mean Energy Star Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.
  - (12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings

(13) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperature, accounting for the difference between average temperatures and yearly fluctuations.

## **2. APPLICABILITY**

(1) This policy is applicable to all covered Municipal Buildings as defined in Section 2 of the policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

## **3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1 2021, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

## **4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) No later than September 1, 2021 and by September 1 of each year thereafter for Covered Municipal Buildings: and

(2) The Department shall make available to the public on the internet and update at least annually,

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information: and

(b) For each Covered Municipal Building individual:

(i) The status of compliance with the requirements of the Policy: and

(ii) The Building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5 (2) (b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

## **5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

## **6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy

(2) The Chief Enforcement Officer of the Policy may promulgate regulation necessary for the administration of the Policy

(3) Within thirty days after each anniversary date of the effective date of the Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, as list of all Covered Municipal Buildings identifying each

Covered Municipal Building that the Commissioner Determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy

## **7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

## **8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect

## **Resolution #48-2021 Payment of Claims**

On a motion of Richard Looft seconded by Brenda Goff

Resolution #48-2021 was

ADOPTED: Ayes 5 Supervisor Thomas J Stokes, Councilpersons, Richard Looft, Brenda Goff, Nell Ziegler and James Corpin

Nays 0

Resolved that the bills be paid on Abstract #5 in the following amounts:

General Fund            82-96    in the amount of    \$   8,829.93

Highway Fund           38-46    in the amount of    \$   5,977.09

## **Notes and Communication:**

With no further business, on a motion made by Councilperson James Corpin seconded by Councilperson Richard Looft the meeting was adjourned at 8:50 pm. Carried unanimously.

**Respectfully Submitted**

**Janice Sebring,  
Town Clerk**