

July 11, 2023

Minutes for the Regular Meeting of the Town Board of the Town of Smithfield held July 11, 2023 at the Smithfield Community Center commencing at 7:00 p.m.

Present:

Supervisor	Thomas J Stokes
Councilperson	Brenda Goff
Councilperson	Nell Ziegler
Councilperson	James Corpin
Councilperson	Richard Looft (Absent)
Highway Superintendent	Daniel Davis (Absent)
Town Clerk	Christine Boyden

Others Present: James Stokes (Town Attorney)

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

-Pledge of Allegiance

Resolution #52-2023

Approval of Minutes of June 2023-

On a motion made by Councilperson James Corpin, seconded by Councilperson Brenda Goff

Resolution #52-2023 was adopted:

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin
Nays: 0

Public Hearing

Supervisor Stokes makes a motion to open Public Hearing at 7:12 pm, seconded by Councilperson James Corpin, To Consider the Adoption of three (3) proposed local laws to amend the Building and Development Control Law of the Town of Smithfield.

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin
Nays: 0

With no one to speak for or against, Supervisor Stokes makes a motion to adjourn Public Hearing at 7:13 pm, seconded by Councilperson Brenda Goff.

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin
Nays: 0

Supervisor Stokes makes a motion to open Public Hearing at 7:15 pm, seconded by Councilperson James Corpin, To Consider the adoption of a proposed local law that would provide authority for the Town of Smithfield to opt out of the real property tax exemption provided under New York State Real Property Tax Law (RPTL) Section 487 for qualifying energy production facilities.

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin

Nays: 0

With no one to speak for or against, Supervisor Stokes makes a motion to adjourn Public Hearing at 7:16 pm, seconded by Councilperson Brenda Goff.

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin
Nays: 0

Resolution #53-2023

Supervisors Monthly Report-

Receipts and Payments for June 2023 were read and filed

General Fund Revenues totaled \$3,216.05 with expenditures of \$15,004.54

Streetlight expenditures totaled \$279.73

Highway Fund Revenues totaled \$2,175.08 with expenditure of \$23,229.96 Profit and Loss Budget vs Actual Budget was presented for both General and Highway Funds for June 2023.

On a motion made by Supervisor Stokes, seconded by Councilperson Brenda Goff

Resolution #53-2023 was adopted:

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin
Nays: 0

Resolution #54-2023

Town Clerks Monthly Report-

Receipts and Payments for May and June 2023 were read and filed.

For May- Total State, County and Local Revenues totaled \$1,327.00 and the Local Shares Remitted totaled \$1,256.76

For June- Total State, County and Local Revenues totaled \$841.72 and the Local Shares Remitted totaled \$749.73

On a motion made by Councilperson Brenda Goff, seconded by Supervisor Stokes

Resolution #54-2023 was adopted:

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin
Nays: 0

Codes Enforcement Report- Report was reviewed and filed.

Planning Board- One open position on Planning Board.

Zoning Board- Two open positions on Zoning Board.

Highway- No updates at this time.

Public Courtesy of the Floor- No one present.

Old Business- Craft and Cruisin' to take place on July 29, 2023 11am-4pm.

New Business-

- Received two quotes for a new roof for the Smithfield Community Center, to be completed as two separate projects.
- James Stokes, Town Attorney, presents new Local Law resolutions to the Town Board.
- Councilperson Nell Ziegler presented the application herself and James Stokes, Town Attorney, have been diligently working on putting together for NY Forward Grant.

Resolution #55-2023 authorizes Supervisor Stokes to sign a contract for the repair of the roof for the Smithfield Community Center.

On a motion made by Councilperson James Corpin, seconded by Councilperson Nell Ziegler
Resolution #55-2023 was adopted:

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin
Nays: 0

Resolution #56-2023 A RESOLUTION ADOPTING A LOCAL LAW TO OPT OUT OF THE RPTL 487 EXEMPTION IN THE TOWN OF SMITHFIELD.

WHEREAS, proposed legislation of the Town of Smithfield, entitled “A local law to opt out of the exemption otherwise provided under section 487 of the Real Property Tax Law”, has been duly introduced before this Board, and

WHEREAS, upon notice duly published and posted as required, a public hearing on the adoption of this proposed local law was held by this Town Board on July 11, 2023, which public hearing has been, or is hereby closed.

NOW, THEREFORE, IT IS HEREBY RESOLVED, after due deliberation, that this Board makes the following legislative determinations and findings:

A. Authority and Intent. This Local Law is intended to be consistent with, and is adopted pursuant to the authority granted to the Town Board of the Town of Smithfield under applicable provisions of the New York State Constitution, and the Laws of the State of New York, including but not necessarily limited to the Municipal Home Rule Law, the Statute of Local Governments, the Town Law and the Real Property Tax Law.

This Law is intended and is hereby declared to address matters of local concern. The action authorized and implemented by this local law is specifically provided for and authorized under subsection 8 of Section 487 of the New York Real Property Tax Law.

B. Findings of Fact.

1. Smithfield is a community in the central portion of Madison County that takes great pride in, and assigns great value to its rural residential character, small-town atmosphere, farms and scenic and other natural resources.

2. The Preservation of the Town's irreplaceable scenic vistas, and rural agricultural character is of significant value to the inhabitants of the Town and to those who visit there.

3. Agriculture has long been a staple of the Town's economy and tax base. Farms and agricultural land are valuable assets that create a sense of identity and well-being for residents of the Town. Preserving and protecting agricultural lands along with the scenic, recreational, and other natural resources of the Town is important for both a healthy environment and vibrant economy.

4. Promoting the continued establishment and expansion of commercial energy production facilities of the types referred to in Section 487 of the Real Property Tax Law may impair the existing character of the Town, because by their very nature such activities have the potential to produce negative impacts upon the Town's environment, particularly with respect to its scenic beauty, rural character and agricultural heritage, as well as the potential for other adverse environmental impacts.

5. The continuation of the tax exemption as provided for under Section 487 of the Real Property Tax Law also threatens the stability of the Town's real property tax base. The proliferation of exempt energy facilities threatens to displace traditional land uses such as agriculture and housing, thereby replacing taxable property with tax exempt property.

C. Purpose. The purpose of this Local Law is to protect the Town's tax base by requiring that energy production facilities, including solar energy systems, wind power systems, farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, electric energy storage equipment and electric energy storage systems, which would otherwise be exempt from taxation under Real Property Tax Law Section 487 are subject to the payment of Town of Smithfield real property taxes.

NOW THEREFORE IT IS HEREBY RESOLVED that this Board makes and adopts the following findings with respect to the New York State Environmental Quality Review Act (SEQRA):

- a) That the Action is an unlisted action under SEQRA;
- c) That the Town Board of the Town of Smithfield is the only involved agency with respect to this action;
- d) That the action will not result in any significant adverse environmental impacts and that this resolution shall constitute a negative declaration pursuant to SEQRA.

The basis for this determination is that the proposed local law is a legislative act which affects only the taxability of real property and by its nature and terms is not expected to lead to any specific development or physical disturbance of the environment. The enactment of this local law neither authorizes any development or construction activity, nor makes any such development or construction activity more likely.

AND IT IS HEREBY FURTHER RESOLVED that the Town Board of the Town of Smithfield finds it in the best interest of the Town of Smithfield and its residents to adopt this proposed legislation of the Town of Smithfield, entitled "A local law to opt out of the exemption otherwise provided under section 487 of the Real Property Tax Law", and does hereby adopt and enact this local law as presented. The Town Clerk is hereby directed to enter said local law in the minutes of this meeting and in the Local Law Book of the Town of Smithfield, and to give due notice of the adoption of said local law to the Secretary of State.

Date: July 11, 2023

On a motion made by Councilperson Nell Ziegler, seconded by Councilperson Brenda Goff
Resolution #56-2023 was adopted by Roll Call Vote:

Supervisor	TJ Stokes	Aye
Councilperson	Brenda Goff	Aye
Councilperson	Nell Ziegler	Aye
Councilperson	James Corpin	Aye

**Resolution #57-2023 A RESOLUTION MAKING A DETERMINATION OF ENVIRONMENTAL
NON-SIGNIFICANCE UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY
REVIEW ACT AND ENACTING LOCAL LAWS TO AMEND THE LAND USE REGULATIONS
OF THE TOWN OF SMITHFIELD WITH RESPECT TO WIND AND SOLAR ENERGY SYSTEMS**

WHEREAS, this Town Board has developed and is considering two proposed local laws to enact revisions to the Town's Building and Development Control Law to amend the Town of Smithfield Land Use Regulations with respect to Wind and Solar Energy Systems, and

WHEREAS, pursuant to a referral duly made pursuant to the provisions of Section 239-m of the General Municipal Law, the Madison County Planning Agency has reviewed each of the proposed local laws and has recommended that the question of the adoption of these local laws be returned to this Town Board for local determination, and

WHEREAS, upon notice duly published and posted, public hearings on the adoption of these proposed local laws was duly convened and held by this Town Board on June 13, 2023, which public hearings were continued to July 11, 2023; and

WHEREAS, the public hearing has been, or hereby is closed, and

WHEREAS, this Town Board has previously determined that the adoption of this local law to amend the Town of Smithfield Land Use Regulations with respect to Solar Energy Systems constitutes an unlisted action for purposes of the New York State Environmental Quality Review Act, that there are no other involved agencies with respect to this action, and the action does not involve the exercise of eminent domain or other public acquisition of land or the advance of public funds for any construction or development

WHEREAS, this Board has considered the public comments and has taken a hard look at the likelihood of any potential adverse environmental impacts that might result from the adoption of these proposed local laws.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Board of the Town of Smithfield makes the following legislative findings:

1. That the Town of Smithfield prides itself on its rural character and agrarian heritage that make it an attractive location for farms and rural residences. The Town has always had an

agricultural base and is now also home to a growing Amish community that continues to sustain many farms that may have otherwise fallen into disuse.

2. That appropriately utilized, wind energy and solar energy may be a readily available and renewable energy source that does not create air emissions in the course of generating electricity.
3. That appropriately scaled and located small scale wind and solar energy systems that support principal residential, agricultural and business uses can be a benefit to the residents and businesses within the Town.
4. That extensive development of commercial wind and solar energy facilities can have a deleterious effect on the community when it occurs on agricultural lands, thereby removing those lands from production, thus thwarting the ability of families to continue their farming heritage and creating a visual blight upon the community.
5. That this legislation is intended to promote the health, safety and welfare of the Town and its residents and to ensure that wind and solar energy systems will not have a significant adverse impact on the Town's agricultural base, its aesthetic qualities, and the scenic character of the Town of Smithfield.
6. That it is the intent of this local law to establish reasonable regulations regarding the design, placement, construction and operation of wind and solar energy systems so as to minimize their adverse impacts upon the Town and its residents.
7. That the enactment of this local law is in accordance with the Town of Smithfield's comprehensive plans as stated goals of preserving the rural and scenic character of the township while enhancing the quality of residential and agricultural life in the Town.

AND BE IT HEREBY FURTHER RESOLVED that the enactment of "A Local Law to Establish Solar Regulations for the Town of Smithfield" and "A Local Law to Amend the Town of Smithfield Building and Development Control Law to Enact a New Article Regulating Wind Energy Facilities Within the Town of Smithfield" will not have any significant adverse effects upon the environment. This resolution shall constitute a negative declaration pursuant to the New York State Environmental Quality Review Act in accordance with SEQRA'S implementing regulations. The reasons supporting this determination are as follows:

1. The action consists solely of a legislative enactment.
2. There is no project site and no construction or development associated with this action.
3. There will be no physical changes or impact to the land, waters, air or environment generally as a result of this action.
4. This action is designed and intended to avoid the potential adverse environmental impacts of the conversion of viable agricultural lands to non-agricultural use and the associated adverse impacts upon family farms and farmers as well as the adverse impacts on the rural character of the Town and its scenic views and vistas.

5. That the enactment of these local laws is in accordance with the Town of Smithfield comprehensive plan's stated goals of preserving the rural and scenic character of the township while enhancing the quality of residential and agricultural life in the Town.

AND BE IT HEREBY FURTHER RESOLVED that the adoption of "A Local Law to Establish Solar Regulations for the Town of Smithfield" and "A Local Law to Amend the Town of Smithfield Building and Development Control Law to Enact a New Article Regulating Wind Energy Facilities Within the Town of Smithfield" will promote and protect the health, safety and general welfare of the Town of Smithfield and its residents, and that "A Local Law to Establish Solar Regulations for the Town of Smithfield" and "A Local Law to Amend the Town of Smithfield Building and Development Control Law to Enact a New Article Regulating Wind Energy Facilities Within the Town of Smithfield", are hereby adopted, to be effective immediately upon its filing with the Secretary of State, and that the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting, and to give due notice of the adoption of said Local Law to the public and to the Secretary of State.

Dated: July 11, 2023

On a motion made by Councilperson Nell Ziegler, seconded by Councilperson James Corpin
Resolution #57-2023 was adopted by Roll Call Vote:

Supervisor	TJ Stokes	Aye
Councilperson	Brenda Goff	Aye
Councilperson	Nell Ziegler	Aye
Councilperson	James Corpin	Aye

Resolution #58-2023 RESOLUTION EXPRESSING SUPPORT AND AUTHORIZATION FOR AN APPLICATION FOR FUNDING UNDER THE NEW YORK FORWARD PROGRAM

WHEREAS, the Town Board of the Town of Smithfield deems it in the best interest of the Town and its residents to apply for funding under the State of New York's New York Forward Program, and

WHEREAS, the intended objective of the New York Forward funding is to facilitate transformative infrastructure and property improvements within the Peterboro Hamlet to promote visitation to its historic sites and cultural facilities while at the same time enhancing the quality of life for residents of the Hamlet and the Town (the "Project"), and

WHEREAS, it is intention to apply for funding for the Project in the amount of \$4.5 million dollars under the New York Forward Program.

NOW THEREFORE, IT IS HEREBY RESOLVED that the Project and its objective are consistent with the Town of Smithfield Comprehensive Plan; that the proposed funding amount is appropriate for the Project; that the Project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation and enhancement of community resources; and that the Project develops and enhances the

historic hamlet of Peterboro by enhancing historic sites and facilities and residential and commercial business space in a manner that will attract, create and sustain economic development opportunities, and it is hereby further

RESOLVED that the Town Board of the Town of Smithfield supports and endorses the submission of an application for the Project under the NY Forward Program and authorizes the Town Supervisor to execute such application on behalf of the Town.

Dated: July 11, 2023

On a motion made by Supervisor Stokes, seconded by Councilperson Brenda Goff Resolution #58-2023 was adopted by Roll Call Vote:

Supervisor	TJ Stokes	Aye
Councilperson	Brenda Goff	Aye
Councilperson	Nell Ziegler	Aye
Councilperson	James Corpin	Aye

Resolution #59-2023 approves Supervisor Stokes to enter into a contract with Ralston Supply Center, Inc. to order a portable bathroom for town events.

On a motion made by Supervisor Stokes, seconded by Councilperson Brenda Goff Resolution #59-2023 was adopted:

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin
Nays: 0

Executive Session

-Supervisor Stokes makes a motion to enter into executive session for discussion of personnel, seconded by Councilperson Brenda Goff at 8:30 pm

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin
Nays: 0

-Supervisor Stokes makes a motion to close executive session, seconded by Councilperson Brenda Goff at 8:38 pm

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin
Nays: 0

Resolution #60-2023 Payment of Claims

On a motion made by Councilperson Brenda Goff, seconded by Councilperson James Corpin Resolution #60-2023 was adopted

Ayes: 4 – Supervisor Stokes, Councilpersons: Brenda Goff, Nell Ziegler and James Corpin

Nays: 0

Resolved that bills be paid on Abstract #7 in the following amounts:

General Fund	Vouchers #99-117	in the amount of \$28,215.70
Highway Fund	Vouchers #53-59	in the amount of \$137,158.91

Notes and Communication:

With no further business, on a motion made by Supervisor Stokes, seconded by Councilperson Brenda Goff, the meeting was adjourned at 8:39 p.m. Carried unanimously.

Respectfully Submitted,

Christine Boyden
Town Clerk