

**Town of Jackson Town Board Meeting**  
**April 5, 2023**

The Town Board of the Town of Jackson met on April 5, 2023 at 8:00 PM at the Town Hall for the regular monthly meeting.

**PRESENT:**

- Jay Skellie..... Supervisor
- Travis Rea..... Councilman
- Edward Rouse..... Councilman
- Carol Rich..... Councilwoman
- Jennifer VanDeWater..... Councilwoman
- Molly Dixon..... Town Clerk
- Sean Carney..... Highway Superintendent
- Donna Nolan..... Budget Officer

**Also present:** Planning Board Chair Amy Maxwell, Planning Board members Mark Mahoney, Kelly Donahue and Erik VandenBerg, Assessors Jean McLenithan and Tim Grogan, Jackson Solar 1, LLC representative Terrence Nolan, Christine Eldred of the Eagle, and several residents.

**8:03 PM PUBLIC HEARING – LOCAL LAW #1 OF 2023**

Supervisor Skellie opened the public hearing for Local Law #1 of 2023 with a brief description of the law from the Town Clerk. The Clerk explained that this local law will amend the Town Code with respect to the subdivision of real property within the Town. Supervisor Skellie opened the floor for public comments. Resident John Pedersen spoke to question which exact pieces of the Subdivision Regulations law will be changed. Planning Board Member Mahoney asked the Clerk to read aloud the adjusted portions of the law. The Clerk read the amended paragraphs in Subdivision Regulations Article 4, Section IV-4 and Article 4, Section IV-3. Planning Board Chair Amy Maxwell stated that we are only changing two pieces to reflect the requirement of showing remaining lands and a locus map when applying for a subdivision. PB Member Mahoney continued to say that the subdivision checklist was changed a couple of years ago to show what things the PB needs to see throughout the application process, after receiving some pushback from surveyors. This change to the law will help to avoid confusion between the regulations and the checklist. Assessor Jean McLenithan spoke to ask if there was always a requirement of markers within the law and PB Member Mahoney said yes. There being no further comments, Supervisor Skellie closed the public hearing at 8:10 pm.

**8:11 PM PUBLIC HEARING – LOCAL LAW #2 OF 2023**

Supervisor Skellie opened the public hearing for Local Law #2 of 2023 at 8:11 pm. Town Clerk Dixon gave a brief description of Local Law #2-23, which will opt the Town into offering a 10% real property tax exemption to volunteer fire and EMS service workers who own property within the Town. Assessor

Jean McLenithan stated that the law is only offered to volunteers who own property in the jurisdiction of the department they volunteer for. She also said that this exemption is different than the income tax exemption offered to volunteers. There being no further comments, the public hearing was closed by Supervisor Skellie at 8:13 pm.

**8:14 PM**

**PUBLIC HEARING – LOCAL LAW #3 OF 2023**

Supervisor Skellie opened the public hearing for Local Law #3 of 2023 at 8:14 pm, followed by a brief description by the Town Clerk of the law. The Clerk explained that this law will permit utility scale solar energy facilities within the Town. Supervisor Skellie opened the floor for public comment. A resident of the Town spoke to say he does not want to see any large scale solar and that he believes this goes against the constitution. Supervisor Skellie stated that there's not anything the Town can do to stop this as NYS says solar can pretty much go wherever it wants. The resident said the State is a corporation and does not hold any sway.

Resident John Pedersen stated that the law looks good except it is a little confusing and should be distinct in saying what solar is exempt from this law. Chair Maxwell stated that it explains what level of solar this applies to in the definition of utility scale solar energy facilities in the law. PB Member Mahoney pointed out that this falls under site plan review and small scale solar is exempt in Site Plan Review law. Mr. Pedersen stated that this should not be a standalone law and should rather be an amendment to Site Plan Review, as this could be double jeopardy. Chair Maxwell stated that the Planning Board did not do this law without assistance, lawyers were used to create the law that have drafted many similar laws throughout the State. These lawyers did not suggest to make this an amendment to Site Plan Review. Mr. Pedersen continued to say that the scary part of the law is concerning the Ag-land Protection Board forwarding these projects onto the State Agriculture Commissioner for a final decision. He said it's scary because these projects have a nonrefundable application fee. Supervisor Skellie said that it has only happened once in the State where the Commissioner has turned down a solar project. They are only considered for the Commissioner's review when it is prime agriculture land, which not much in the Town is. He stated that if anyone is interested in seeing what land in the area is considered prime ag land, the County has a map that shows this. Jackson Solar 1, LLC representative Terrence Nolan of New Leaf Solar spoke to say that in his opinion, this law is pretty robust and emphasizes any mitigating impacts solar could have on the land and visual impacts it may have on neighboring properties. He also added that the \$10,000 application fee will welcome serious applicants only and that overall, this law seems nicely protective of the Town and provides specific guidance of what is needed throughout the application process.

Resident Sharon Dunn expressed her frustration throughout the process of drafting the solar law and is concerned with parts of the process of solar projects getting done. She stated that she is worried about runoff into the road. Supervisor Skellie stated that there is an Escrow Account with funds to pay engineers to oversee the process. He also stated that if there was any issue with runoff, it would certainly be called into NYSDEC. The law lays out in depth what we expect and each specific project will have conditions of approval through site plan review. Assessor Jean McLenithan asked if there is any money set aside for the disposal of the equipment. Supervisor Skellie stated that there is around \$500,000.00 posted in a Decommissioning Bond. Assessor McLenithan thanked the Planning Board for all of their



- The Board has been discussing what projects to take on next now that the Solar Law has been completed. The Board discussed reviewing the Subdivision Regulations or Site Plan Review Law, looking into a Renewable Energies Law, and returning to the Comprehensive Plan draft.
- PB Member Irene Headwell spoke up at the PB meeting to request the Town plan another Town picnic as they have done in the past. The picnic hasn't happened in some time due to COVID. Irene and Jackson Senior Advisory Council Representative Quimby Mahoney will be in discussions to start planning the event. The Board all agreed that having the event at the American Legion would most likely be best. Dates will be checked next month.

**RESOLUTION #34-23**

A motion by Councilwoman VanDeWater, seconded by Councilwoman Rich; Resolution passed 5-0, **to approve the Planning Board purchasing a TV and laptop to set up at Town Hall.**

**OLD BUSINESS**

**RESOLUTION #35-23**

A motion by Councilwoman Rich, seconded by Councilwoman VanDeWater; Resolution passed 5-0, **to pass Local Law #1 of 2023 to amend the subdivision regulations, effective immediately upon filing with the Department of State.**

Roll Call:

Councilwoman Rich	Aye
Councilwoman VanDeWater	Aye
Supervisor Skellie	Aye
Councilman Rouse	Aye
Councilman Rea	Aye

**RESOLUTION #36-20**

A motion by Councilman Rea, seconded by Councilman Rouse; Resolution passed 5-0, **to pass Local Law #2 of 2023 to opt into providing a partial exemption from real property taxation for volunteer fire and EMS service members who are property owners within the Town, effective immediately upon filing with the Department of State.**

Roll Call:

Councilwoman Rich	Aye
Councilwoman VanDeWater	Aye
Supervisor Skellie	Aye
Councilman Rouse	Aye
Councilman Rea	Aye

**RESOLUTION #37-23**

A motion by Councilwoman Rich, seconded by Councilwoman VanDeWater; Resolution passed 5-0, **to pass Local Law #3 of 2023 to permit utility scale solar energy facilities within the Town, effective immediately upon filing with the Department of State.**

Roll Call:

Councilwoman Rich	Aye
Councilwoman VanDeWater	Aye
Supervisor Skellie	Aye
Councilman Rouse	Aye
Councilman Rea	Aye

**RESOLUTION #38-23**

A motion by Councilman Rouse, seconded by Councilwoman Rich; Resolution passed 5-0, **to approve the Escrow Agreement between the Town and Jackson Solar 1, LLC.**

**RESOLUTION #39-23**

A motion by Councilman Rea, seconded by Councilwoman Rich; Resolution passed 5-0, **to approve the Supervisor signing the Decommissioning and Operation and Maintenance bonds for Jackson Solar 1, LLC, pending Attorney approval.**

**Highway Contract** – Supervisor Skellie reported that the contract for the Highway Dept. has yet to be finalized due to holdups with the department’s union representative.

**NEW BUSINESS**

**JCAP Grant** – Justice Heather McLenithan advised both the Town Clerk and the Supervisor of funding through the Justice Court Assistance Program that could potentially cover half of the cost of a generator for Town Hall, as the building doubles as the Courthouse as well. The other half of the cost could most likely be paid out of ARPA grant money that the Town already has. Supervisor Skellie requested that the Town Board move to make a motion allowing Judge McLenithan to apply for the grant.

**RESOLUTION #40-23**

A motion by Councilman Rea, seconded by Councilwoman VanDeWater; Resolution passed 5-0, **to approve the Town Justice applying for JCAP funding to cover half of the cost of a generator for use at the Town Hall/Court.**

**The Preserve on the Battenkill** – The Board reviewed the NYS Liquor Authority License application for The Preserve on the Battenkill, a glamorous camping ground destination located on State Route 313.

**RESOLUTION #41-23**

A motion by Councilman Rea, seconded by Councilwoman VanDeWater; Resolution passed 5-0, **to give Town approval of the liquor license application for The Preserve on the Battenkill with no comments to the NYSLA, and to request in writing to the NYSLA to waive the 30-day notice period of the application.**

**Supervisors Report** – There was no Supervisor’s report for the month.

**Town of Jackson Assessors** – Assessor’s Jean McLenithan and Tim Grogan were present at the meeting to report on recent events. Tim informed the Board of his wife’s recent health issues that have had a large impact on the course of his day-to-day life. Because of this, he notified the Board of his decision to not run for Assessor again following the end of his term in December of this year. The demands of the job coupled with the many new responsibilities he has at home will make it hard to do the position of Assessor justice, Tim said. Chair McLenithan stated the many challenges they have had to face due to the 2022 revaluation of the Town done by GAR Associates, LLC. She stated that the whole project has been a mess and the Town is already down to a 91% equalization rate. The State wants them to prove they are back to 100% and they cannot due to the many issues with GAR’s numbers. They are currently preparing for Grievance Day and wish to advise the public to call ahead of Grievance (which falls on the 23<sup>rd</sup> of May this year) in case appointments are necessary. RP-524 Real Property Complaint forms for Grievance can be found in the box located to the right of the front door on Town Hall.

Resident Sharon Dunn spoke to ask the Board if there is a backup generator the Town currently has access to. Supervisor Skellie said that the Town will have one at the Town Barn sometime in the near future. Ms. Dunn stated that in times of weather and power concerns like the Town experienced in March, the Town Hall should be a command center for residents. Supervisor Skellie agreed but stated that most people would go to the 3 school districts and 5 fire departments listed in the Town’s Emergency Preparedness Plan.

**9:24 PM**

**RESOLUTION #42-23**

A motion by Councilman Rouse, seconded by Councilwoman Rich; Resolution passed 5-0, **to move into an executive session with the purpose of discussing matters related to the employment history of a particular person.**

**10:00 PM**

**RESOLUTION #43-23**

A motion by Councilman Rea, seconded by Councilman Rouse; Resolution passed 5-0, **to close the executive session.**

**RESOLUTION #44-23**

A motion by Councilman Rea, seconded by Councilwoman VanDeWater; Resolution passed 5-0, **to approve the following budget amendments:**

- Move \$10,000.00 from the Highway Fund balance to the Compensated Absences Fund.
- Show \$9,890.02 in DA5110.1A to reflect money from Compensated Absences Fund for payout of sick time due to separation from employment. Total dollars includes Town’s share of SS/Medi.

**RESOLUTION #45-23**

A motion by Councilwoman VanDeWater, seconded by Councilman Rouse; Resolution passed 5-0, **to approve the payment of the following bills as audited on April 5, 2023, Abstract #4 and authorized the Supervisor to pay said bills from the respective funds:**

FUND	BILL #	AMOUNT
General	37-47	\$10,625.94
Highway	54-71	\$17,540.48

**RESOLUTION #46-23**

A motion by Councilman Rouse, seconded by Councilwoman VanDeWater; Resolution passed 5-0, **to adjourn at approximately 10:08 pm.**

The meeting was adjourned at 10:08 pm.

Molly Dixon, Town Clerk