

1. **CALL TO ORDER**

Chair Mark Stevenson called the meeting to order at 7:03 p.m. Other Supervisors present were Andy Merritt, Ben Pisoni, Barbara Spencer and Todd Kirsten. Staff present were Susan Steele, Township Manager; D.J. Liggett, CRPA; David Piper; Zoning Officer; Kathleen Yurchak, Township Solicitor; Bob Eberhart, OSPB; Joe Tylka, OSPB; Ron Hoover, OSPB; Rebekah Seymour, OSPB Minute Recorder. Residents & others in attendance: Neil Sharkey; Bill Donley, Rick Bair, Parente Beard and Melissa Pell.

2. **EXECUTIVE SESSION**

Mr. Stevenson adjourned the meeting at 7:04 p.m. for an executive session to discuss pending litigation issues. Mr. Stevenson reconvened the meeting at 7:26 p.m.

3. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

4. **CITIZEN COMMENTS**

There were no citizen comments.

5. **TREASURER'S REPORT**

- ***MOTION: Ms. Spencer moved to approve the Treasurer's Report dated April 11th, 2013; Mr. Pisoni seconded; Vote 5-0-0; Motion Carried.***

6. **BILLS LIST**

- ***MOTION: Ms. Spencer moved to approve the Bills List dated April 11th, 2013; Mr. Kirsten seconded; Vote 5-0-0; Motion Carried.***

7. **MINUTES**

- ***MOTION: Mr. Kirsten moved to approve the minutes dated March 28th, 2013; Mr. Pisoni seconded; Vote 5-0-0; Motion Carried.***

8. **AUDITOR'S PRESENTATION OF FY 2012 FINANCIAL CONDITION OF TOWNSHIP**

Mr. Bair provided the DCED report and a summary of the Township FY 2012 audit. Mr. Bair commented that the township achieved an A+ assurance. Mr. Bair reviewed the summary and commented that half of the Township's revenues come from EIT and not Real Estate Tax. Mr. Bair stated there is a deficiency to the number of staff but there are controls in place to help mitigate the deficiencies. Mr. Tylka stated there is a 2 mil tax allocated to the Open Space Preservation program. Mr. Bair stated that the millage is restricted for a special purpose relating to only eligible open space expenses. Mr. Tylka questioned whether the monies could be reallocated to general or vice versa. Mr. Bair stated the Board would have to look at the Ordinance to see if there are restrictions. Mr. Tylka commented that the taxpayers voted for the 2 mils for the program but questioned whether the Board has the right to add monies from the General fund to the OSPP. Mr. Tylka commented he did not think this was right. Mr. Bair stated the Board of Supervisors had total discretion on how to use general fund monies. Therefore, if the Board wished to put money from the general fund into the open space program towards Open Space expenses, it was their option, and it could be done, and nothing can prevent them from doing so. The Board thanked Mr. Bair for his time and reporting.

9. **CONTINUED DISCUSSION REGARDING CONSTRUCTION OF POSSIBLE TRAIL CONNECTION**

Ms. Liggett provided a power point and reviewed the background of the previous discussion. Ms. Liggett commented the Planning Commission looked at the Official Map and prepared a draft Official Map adding some trails. Ms. Liggett stated this right of way which would become a trail is owned by the Township and is about 600 feet between Shanelly Drive and Lutz Lane and runs between four properties. Ms. Liggett stated the Upper Halfmoon Water Company is doing an improvement project in this right of way and offered to work with the Township if the Township was interested in installing a trail in this area as depicted on the draft official map. Ms. Liggett stated there were three options the Board could consider; do nothing, get more information, coordinate with the water company and consider buffers if they wished to pursue implementing the trail at this time. Ms.

Liggett stated this is a 50' right of way. Mr. Merritt questioned if people use this right of way presently. Ms. Liggett stated it appears that they do from walking in that area to get pictures. Ms. Spencer stated she would like to hear from the neighbors. Mr. Sharkey commented he lives to the left of the right of way on Shanelly Drive and does not want it turned into a trail. Mr. Sharkey stated he wants his privacy and he has two dogs that he purposely fenced in his backyard to minimize disruption to them and others walking. Mr. Sharkey stated he has been maintaining this right of way area and changing it to a public trail would create a nuisance with his dogs. Mr. Sharkey commented that he understands there is a right of way and children use the area to walk or ride their bikes through, but feels it is a poor argument to say they could use the right of way as a trail to get to the park in Stormstown. Mr. Sharkey questioned who is going to maintain the right of way trail and pick up litter. Mr. Sharkey stated this should not fall to the neighbors. Mr. Sharkey stated if the Board puts to make the right of way into a trail, he would like to see buffers.

Mr. Stevenson commented that he walks the loop and does not see people using this area as a walk-through. Ms. Spencer stated she feels the trail would be welcomed.

Ms. Pell stated she lives on Lutz Lane and did not know her property abuts the township right-of-way when she moved in, but agrees with Mr. Sharkey that she would not like a trail there for privacy purposes.

Mr. Olenoski stated people do not know where to look to find the right-of-way because it is maintained and not obvious. Mr. Olenoski stated this would create issues and if the Board decides to put a trail in, then it should be to the standard that it is now. Mr. Olenoski read a text message from his cell phone from another neighbor who was not able to attend who does not want the trail. Mr. Olenoski stated he liked the options Ms. Liggett proposed and would like the Board to consider those options. Mr. Kirsten stated he would probably hold the same opinion as most people would and not want a trail to adjoin his property, and understands where Mr. Olenoski is coming from. Mr. Olenoski commented that he does not want the trail but if the Board is going to put it in, then do it right. Ms. Spencer questioned what type of trail would be acceptable. Mr. Sharkey stated he would like buffers along a trail. There was discussion whether there were problems with children in the woods. Ms. Spencer questioned whether buffers would provide too much cover. Ms. Spencer commented the Board would like to put trails throughout the township but no one wants them to go by their homes. Mr. Stevenson commented that he thought they were revising the map across the township but did not know they were specifically discussing this trail. Mr. Stevenson stated he did not think there is any hurry to do this trail now. Mr. Kirsten commented he is taking the concerns into consideration and the costs will be high and does not feel for this area it would be a big enough cost benefit. Mr. Merritt stated he appreciates the manner in which the neighbors approached this issue. Mr. Sharkey commented that it may be a benefit to some people but just wanted to provide his opinion. There was no action taken.

There was discussion on where to run the water line and whether there were any septic distance issues. Ms. Liggett questioned whether the Board wanted her to take this trail off of the Official Map.

- ***MOTION: Ms. Spencer moved to remove this trail off of the Official Map; Mr. Kirsten seconded; Vote 5-0-0; Motion Carried.***

10. DISCUSSION AND POSSIBLE APPROVAL OF LETTER IN SUPPORT OF BENNER TOWNSHIP DCNR GRANT APPLICATION FOR SPRING CREEK CANYON

Ms. Steele stated this was presented at the Centre Region Council of Government. Ms. Steele stated staff recommends a letter of support.

- ***MOTION: Ms. Spencer moved to approve a letter of support for Benner Township DCNR grant application for Spring Creek Canyon; Mr. Kirsten seconded; Vote 5-0-0; Motion Carried.***

11. DISCUSSION AND POSSIBLE APPROVAL TO APPROVE RESOLUTION PROCLAIMING MAY RIDE YOUR BIKE MONTH

- ***MOTION: Mr. Pisoni moved to approve a Resolution proclaiming May ride your bike month; Ms. Spencer seconded; Vote 5-0-0; Motion Carried.***

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12. CONTINUED DISCUSSION REGARDING OPEN SPACE PROGRAM AND DIRECTIVES TO OPEN SPACE BOARD

Mr. Stevenson stated that ongoing discussions had gone on over the last two years about some issues that had been brought to the supervisors regarding the Open Space Program. There had been many email exchanges during this time period and staff recommendations. He had sifted through them and felt there were four big issues that needed to be discussed with both board at this meeting:

1. The need for expert financial advice for current and ongoing funds so that the money required by leases and general up keep of the program does not exceed the 2 mills originally passed by the Township
2. The issue of acquiring expert counsel to consult on the future of the program. Mr. Stevenson expressed here that it might not be that there is a need for new counsel, but rather more legal counsel advice, which needed to be heeded by both boards.
3. A need to codify ordinance changes in the program (i.e. financial analysis models) so it cannot be undone by future board members unless the law is changed as well as ensure the continued success of the program.
4. A need to fix/improve a current land rating system so that it could help in prioritizing properties so the OSPB and BOS can be more selective in their process of accepting new land into the program in the future.

Mr. Hoover elaborated on past events by stating that there had been a concern raised in 2012, while in the process of trying to re-codify and clean up language in the ordinance, that the 1999 referendum language passed might not be consistent with the current lease program in place and a purchase program might be what should have been put in place. Mr. Hoover further stated that it was the feelings of the OSPB to put everything else on hold until legal advice could be sought as to this current concern, From what he understood, these legal opinions had been rendered to the Board of Supervisors. The Board of Supervisors then said in two open meetings in March, 2013, that the Supervisors had made the decision, from their review of the attorney opinions, that the present lease program was consistent with the 1999 referendum. The Board of Supervisors then gave the land rating system to the OSB to work on. Mr. Hoover explained that when the OSPB met on 4/3/13, OSPB members suggested that the land rating might not be a top priority at the moment. As the 4/3/13 meeting continued, OSPB members expressed frustrations about possible issues they felt were of a more immediate nature. Mr. Stevenson clarified that the land rating system was given to them to work on because it was the only issue that had come to light from the previous joint OSB and BOS meeting on 3/28/13. Ms. Spencer stated the BOS's desire was to move forward on the program, working on issues the BOS was aware of, one by one, because she believes the program is good, but just needs some fixing.

Mr. Stevenson stated that he had misunderstood Mr. Tylka at the 5-year review and did not realize his financial model needed to continue to be run continually and believed it to be a one and done study. Mr. Tylka responded that he had made three to four specific recommendations at the 5-year review presentation to the BOS, but had yet to see one of those recommendations taken into effect by the BOS. Ms. Spencer stated that the OSPB had needed to help the BOS implement those recommendations. Mr. Tylka responded that unfortunately the past year had seen many meetings go on for two hours where there was trivial issues discussed and smaller issues have now mixed together and created larger problems. Mr. Tylka further stated that perhaps a good place to start now was resolving the issue of conflict of interest for members on both the OSPB and BOS that have land within the program.

There was brief discussion about this issue to which Ms. Spencer stated that they had just revised the OSPB membership to resolve a conflict of interest issue. Mr. Kirsten clarified that they had only changed the requirements of members from "landowner" to "resident" and had not discussed a conflict of interest. Ms. Steele corrected Mr. Kirsten and stated the conflict of interest had been researched by the Township Solicitor. Her attorney opinion and findings had been presented to the Supervisors and Open Space Board, at a joint meeting, on April 12, 2012. The supervisors at said 4/12/12 meeting felt no conflict of interest existed.

Ms. Spencer responded that she felt right now there should be one of the many open space program problems chosen to be worked on. Mr. Tylka stated he felt that the boards were capable of focusing on more than one issue.

Mr. Stevenson responded that he did not feel comfortable forbidding a person from serving on either board, just because they had land in the program, and perhaps it could be codified that those serving with land in the program would have to recues themselves on issues regarding their own property. Mr. Tyke disagreed stating that

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if the job of the boards is to work together and set terms and conditions for which there will be monetary compensation, there would remain a conflict of interest, even if their specific property is discussed due to possible benefit down the road.

Mr. Stevenson stated that perhaps this issue could be put aside for the moment and focus more intently on the rising financial issues.

There was a brief discussion on whether conflict of interest issue is relevant right now, after which Mr. Tykla maintained his continued belief that it is an important issue.

Mr. Stevenson stated that at the moment they would put the discussion to the side, and focus more on the financials.

Mr. Tykla stated that the forecasting model he had designed for the OSPB for the 5-year review was simple but needed to be run by an accountant. Ms. Steele stated she had asked the auditor before the meeting if he felt comfortable doing so as well as possibly performing an actuarial study, and Mr. Bair stated they perform these services for clients they did independent audits on.

Mr. Stevenson questioned then if the BOS needed to authorize staff to investigate a firm that could perform an actuarial study of the open space program. Ms. Steele answered that there were none per the CPA firm in State College, but Penn State had an actuarial department.

Mr. Tykla stated that his financial table was just a forecasting model and takes about five to six variables where numbers could be adjusted to see where cash would be going down the line based on current assumptions. He did not see the need for an actuarial study to be performed.

Mr. Stevenson expressed a desire for it to be an actuarial study. So perhaps it would be best to get professors from the actuarial department take a quick glance at the program numbers for better direction.

- ***MOTION: Ms. Spencer moved to direct staff to talk to Penn State Actuary Department for guidance and references to accounting firms that could run a either a forecasting financial model for the OSPP or actuarial study, dependent upon what they felt was best; Mr. Merritt seconded; There was brief discussion over necessity of the model and clarity over steps being taken; Vote 5-0-0; Motion carried.***

Mr. Stevenson stated that the next issue would be the issues on the liens and subordination requirements for future liens. Ms. Steele stated that until the end of the fiscal year it was budgeted so no new properties would be accepted into the open space program. Mr. Stevenson stated that they had placed the moratorium on new applications as well. The budgeting and moratorium had been done so issues could be worked on and the boards were not just "going through the motions."

Mr. Kirsten questioned if there was a difference between a lien on a purchase and on a lease. Ms. Yurchak stated that there can be. Her recommendation was to not purchase if the Township was not in first position. Ms. Yurchak further stated that she had recommended this in the past to the OSPB, but the OSPB felt it was not practical when making the lease contracts. She further stated that this was not a problem until the OSPB and Board of Supervisors decided to give advances.

Ms. Spencer expressed a desire to make the subordination agreement a requirement going from this day forward in the program. Mr. Tykla stated that proper documentation for the subordination does not cost much more and it might be worthwhile if land is really wanted in the program. Mr. Tykla asked Ms. Yurchak if she had ever done a letter of subordination for leases before. Ms. Yurchak confirmed she had and added that she wasn't sure if banks would do that anymore. Mr. Tykla answered that he had talked to at least three banks. They said they would and have in the past (i.e. Fulton Bank). Mr. Stevenson suggested that perhaps on existing leases, the Township could approach the present landowners and offer to pay a portion of the costs it would take to increase the Township's lien position. However, this was something that could be discussed in the future.

Mr. Kirsten expressed a desire to get a cost analysis on leases versus purchasing permanent development rights. Ms. Spencer stated that this might be a good idea, but it was not an issue which needed to be discussed at the present moment. Ms. Yurchak suggested to Mr. Kirsten to sit down with Mr. Piper, the zoning officer (not present) and he could give him the run down on appraisal needs and also how development rights are appraised. Mr. Stevenson reiterated a desire to take the next year to clean up the program and take a look at the financial status before looking into the cost analysis system for the program. Mr. Stevenson also added that they would need to look into the language of how to make acquisitions and the rules.

There was a brief debate about what would happen at the end of the 99 year lease. Ms. Yurchak answered that they could go to the landowner at the end of the lease term and ask if they would like to renew the lease or sell the development rights. Mr. Spencer asked if there were any other issues to send to the OSPB to deliberate on. Mr. Eberhart asked if the BOS knew if the land rating system was the same for lease and permanent easements. Ms. Spencer stated she did not know the answer and perhaps the OSPB could look over that and discuss at the next meeting.

- **MOTION: Ms. Spencer motioned to give the OSPB the task of deliberating over lien/ subordination, financial analysis, land-rating system, language and rules of acquisitions; Mr. Pisoni seconded; Discussion: Mr. Kirsten requested a refresher on the amount allowed per acre for permanent purchases; Vote 5-0-0; Motion carried.**

Mr. Stevenson thanked all the OSPB members for their help and attendance at the meeting.

13. DISCUSSION AND POSSIBLE APPROVAL TO DIRECT TOWNSHIP SOLICITOR TO REVISE PRESENT ZONING REGULATIONS AS TO THE DEFINITION OF KENNELS AS WELL AS WHICH ZONING DISTRICTS KENNELS ARE ALLOWED AND SET PROPOSED ORDINANCE FOR PUBLIC HEARING

- **MOTION: Ms. Spencer moved to forward this agenda item to the Planning Commission for recommendation; Mr. Merritt seconded; Vote 5-0-0; Motion Carried.**

14. DISCUSSION AND POSSIBLE APPROVAL TO PURCHASE NEW 911 RADIOS

Ms. Steele stated the County upgraded their 911 system which will require the Township to purchase new radios. Ms. Steele stated she would like to budget \$15,000 to purchase four new radios in January. Ms. Steele commented that the old radios can't be upgraded. There was discussion on frequencies. The supervisors requested Ms. Steele table this discussion until the 4/25/13 meeting.

15. SUPERVISOR REPORTS AND ITEMS FOR DISCUSSION

Ms. Spencer stated the CCMPO has come up with a new formula that considers population (including students off campus); road mileage on non-interstate roads, interstate/state roads, all local roads on the federal aid system and counting lane miles. Ms. Spencer commented that all three criteria will be equally weighted. Ms. Spencer stated that all municipalities need to provide projects to be considered for the Long Range Transportation Plan for 2014.

Mr. Merritt thanked the Roadcrew for all the winter road maintenance and Ms. Steele and Ms. Smith for their professionalism during the recent Open Space meeting.

Mr. Kirsten stated the Finance Committee moved the CATA budget to the General Forum.

Mr. Stevenson stated the polling place has been moved to the Halfmoon Christian Church and there were some concerns about parking. Mr. Merritt suggested making the Municipal Lane parking lot an overflow lot and possibly using CATA to transport citizens. Mr. Stevenson stated there should be more than on polling place. Mr. Stevenson requested Ms. Steele research the use of CATA buses/vans to transport people between two parking lots, for overflow needs.

16. MANAGER'S REPORT

Ms. Steele provided a written report. Ms. Steele reported a portion of Loveville Road would need to be repaved due to winter weather. Cost estimates range between 22,000 – 24,000 dollars. Mr. Stevenson questioned how

this would impact the 10 year plan for road projects and requested staff prepare an impact statement on how doing these repairs would impact the Township's approved 10 year road plan schedule and then put this issue on the 4/25/13 agenda.

Ms. Steele commented that the Roadmaster met with Mr. Pisoni and Mr. Kirsten regarding the placement temporary speed limit sign. Ms. Steele reviewed the data collection schedule. Mr. Pisoni and Mr. Kirsten commented that the radar sign could go up now but they would like the sandwich boards placed during the summer park program and taken down when school starts.

Ms. Steele stated the ice rink is being taken down and Mr. Brown will begin preparing the court for the tennis net. Mr. Merritt thanked Mr. Gallagher for his help with winter maintenance on the ice rink.

Ms. Steele stated Riff Raff days is scheduled for May 17th from 7-5 and May 18th from 8-4.

Ms. Steele stated DEP has transmitted new regulations for comment which will require some different best management practices. Ms. Liggett will provide a presentation at a later meeting.

Ms. Steele stated staff had purchased map covers so the maps could be permanently posted in the meeting room for use.

Ms. Steele stated she met with Jim May, CRPA Agency Director, who polled the Centre Region managers with a few questions regarding the Regional Growth Boundary and sewage issues. Mr. Stevenson commented he knows there is dissention and the COG Executive Committee had asked Jim May to speak with each manager and present the results back to the Executive Committee.

Ms. Steele attended the Public Safety meeting. The discussion centered around a request by the Villas at Happy Valley to reduce their building permit fee. The Villas are modular dwellings. Currently, the Code Office gives a 25% discount for modular homes building permit fees. The Villas was asked for an additional 25% or 50% total reduction in their building permit fees. Ms. Steele stated she did not think anyone was in agreement but the committee had asked COG staff to bring back data and data points for committee discussion at a future meeting in June.

Ms. Steele stated the OPSB directed Ms. Smith to send a letter to four OSPP applicants that are in the open space program and received a letter from the Centre County Farmland Trust stating if they are interested in switching programs to contact Township staff.

Ms. Steele stated the Planning Commission has began working on the future land use map and working on general uses for each zone. The Planning Commission will also start looking at Agriculture and kennel issues.

Ms. Steele stated she attended the Public Services and Environmental Committee where the DEP Technical Guidance on On-Lot Systems was discussed. These regulations will apply to new on-lot systems and COLDS systems within a high quality or exceptional quality watershed.

17. ADJOURNMENT

There being no further business before the board, the meeting was adjourned at 9:39 p.m.

- ***MOTION: Mr. Kirsten moved to adjourn the meeting at 9:39 p.m.; Ms. Spencer seconded; Vote 5-0-0; Motion Carried.***

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