

1. **CALL TO ORDER**

Chair Mark Stevenson called the meeting to order at 7:02 p.m. Other Supervisors present were Barbara Spencer, Todd Kirsten, Ben Pisoni and Andy Merritt. Staff present were Susan Steele, Manager; Amy Smith, Township Clerk; Amos Goodall, Township Solicitor; D.J. Liggett, CRPA and Scott Brown, Roadmaster. Residents & others in attendance: Yvonne Smith, Park & Recreation Board, Jean Miranda, Park & Recreation Board, Christina Rider, Kalen Brown, Steve Bair, Centre Region Fire Protection, Shawn Kauffman, Centre Region Emergency Management Coordinator, Drew Clemson, Centre Bulldogs, Patrick Hawbaker, Halfmoon Little League, Bob Eberhart, OSPB, Joe Tylka, OSPB and Bill Hilshey, Clearwater Conservancy.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

3. **CITIZEN COMMENTS**

There were no citizen comments.

4. **TREASURER'S REPORT**

MOTION: Ms. Spencer moved to approve the Treasurer's Report dated May 10th, 2012; Mr. Merritt seconded; Vote 5-0-0; Motion Carried.

5. **BILLS LIST**

MOTION: Mr. Merritt moved to approve the Bills List dated May 10th, 2012; Mr. Pisoni seconded; There was discussion regarding the costs for Amerigas and the uniforms; Mr. Stevenson questioned how the P-Cards were going for staff; Ms. Steele stated they had just been received but they would only be used for maintenance and online purchases for now; Mr. Stevenson requested staff contact Amerigas and see if a lower rate could be locked in or possibly shop around; Vote 5-0-0; Motion Carried.

6. **APPROVAL OF MINUTES**

- ***MOTION: Mr. Pisoni moved to approve the meeting minutes dated April 26th, 2012; Ms. Spencer seconded; Mr. Kirsten requested a minor change in the language under citizen comments; Vote 5-0-0; Motion Carried.***

7. **DISCUSSION AND POSSIBLE ACTION REGARDING PARK ISSUES WITH PARK & RECREATION BOARD, HALFMOON LITTLE LEAGUE AND CENTRE BULLDOGS**

Ms. Steele commented she has had different people in the public state that their children are in other programs and questioned what is re-servable in the township. Ms. Steele provided a list of items within the township parks and buildings and requested the Board decide what is re-servable and what is not and discuss a reservation policy. Ms. Steele reviewed the list of items. Ms. Steele commented the restrooms are being used during the weekend when no one is renting the building and questioned whether the restrooms are rentable. The board agreed the rest rooms should be rented with the building only. There was discussion on who has a key to the building and whether keys should be given out on an "as needed" basis and then returned. Ms. Steele questioned whether the tables and chairs could be rented. The board agreed that these should be rental with the building but not taken off premises. Ms. Steele stated she has had requests to use the snack shacks. The board agreed that the snack shacks were not rentable by the Township but entities and individuals needed to contact Little League or Centre Bulldogs for possible use. Mr. Clemson stated there are items stored in the snack shacks both for Centre Bulldogs and Little League. Ms. Steele stated there is an existing agreement with the Centre Bulldogs and suggested there should be one with Little League. Mr. Stevenson stated these two groups are sub-letting the snack shacks. Ms. Steele commented that more than two organizations or groups could use Autumn Meadow depending on what is being played. Ms. Steele questioned whether the picnic tables are rentable. The board agreed they could be rented with the pavilions but not moved off the premises. Ms. Steele questioned whether the whole park could be reserved. The Board agreed the whole park is not rentable. Ms. Steele questioned whether the parking areas are rentable. Mr. Stevenson stated the parking areas should not be reserved unless it is a sponsored event. Ms. Steele questioned whether the batting cages are rentable. Ms. Spencer questioned who they belong to? Mr. Hawbaker stated Little League erected them several years ago but

they are owned by the township. Mr. Hawbaker stated he works with Ms. Smith to reserve the fields and equipment when it is needed. Mr. Stevenson stated the batting cages are useable when not needed by Little League. Ms. Steele questioned whether the Tennis Court is rentable. The board agreed the tennis court is on a first come, first serve basis and since it is the first season they encourage usage. Ms. Spencer questioned that when Little League rents the fields from April until whenever does that mean no one else can use the fields? Mr. Hawbaker stated Little League uses the fields from 5 p.m. to dark, Monday – Friday and Saturday mornings until noon so they are open to the public the rest of the time. Ms. Steele explained the goal is so residents understand there is free time to use the fields but they are also being reserved. Mr. Kirsten stated this should be on the website so residents can see when it is reserved and when it is available. Ms. Steele suggested the Board could install some kiosks. Ms. Spencer questioned when others use the fields does this make it a problem for Little Leagues as far as maintenance. Mr. Hawbaker stated not usually unless kids ride their bikes on the fields after it rains. There was discussion on the maintenance of Autumn Meadow Park. Mr. Kirsten suggested the maintenance could be added to the policy. Mr. Clemson discussed the Centre Bulldogs practice and game schedules. Ms. Steele stated she would meet with Mr. Hawbaker and possibly come up with a memorandum of lease.

Mr. Kirsten provided a reservation agreement that covers everything the Park & Recreation Board suggested as well as the Board of Supervisors. Mr. Kirsten stated they also used some language from the Centre Region COG policy. Mr. Kirsten read the agreement and discussed the general rules and fees. Mr. Stevenson stated it is not unusual to waive the fee for groups that help fundraise to get field preference. Mr. Kirsten discussed the baseball field lights. Mr. Stevenson questioned whether the lights were on a lock. Ms. Steele stated the lights were locked. Mr. Kirsten discussed parking issues. Ms. Steele questioned whether she could waive the fee for groups who are willing to leave their equipment for others to use. Mr. Kirsten questioned whether there would be any liability to the township or who would cover that liability. Mr. Goodall stated if the group was willing to leave the equipment then they would take on the liability. Ms. Steele commented that some residents were upset when she asked Centre Lacrosse to remove their equipment. Mr. Kirsten stated he thought it would be a benefit if groups left their equipment for others to use. There was discussion on where the equipment could be left so it does not interfere with other activities. Ms. Steele stated groups who use the fields have to provide a certificate of insurance to the Township. Mr. Goodall explained that the certificate should include the township for coverage and this should be addressed with the townships insurance broker. Mr. Stevenson stated if the group wants to leave the equipment and it is covered by insurance than it can be up to Ms. Steele whether she wants to waive the fee. Ms. Spencer questioned how much the ball field lights cost. Ms. Steele stated the lights do not cost much, somewhere in the neighborhood of \$50 to \$100 a month in the summer months. Mr. Pisoni stated he would like to add to the policy that there will be no parking along Sky Harbor Drive. Mr. Brown stated there are signs there stating there is no parking along Sky Harbor Drive. Mr. Goodall suggested adding that no overnight parking will be permitted in the parking lot. Mr. Hawbaker stated the Little League season runs the same time period each year and they would like to have first right since they have nine teams. Mr. Stevenson stated Little League has worked very well with the Township and these discussions are in no way meant to change that. Mr. Clemson stated the Centre Bulldogs have a 20 year lease with the township which was done in 2003 that has a clause that their schedule runs from August – October and that they maintain the first right of refusal. Mr. Clemson stated they have put a lot of time and effort and dollars into maintaining the fields and if someone else uses them they would like them to maintain them as well too. Mr. Clemson stated he would forward their game schedule to the township. Mr. Kirsten stated there really do not seem to be any problems with field reservations but hopes this agreement may minimize any problems.

Ms. Steele provided a capital replacement budget and asked the Little League and Centre Bulldogs what purchases they made and what they expected the township to replace and what they thought it cost to replace those items. Mr. Hawbaker responded and requested the township support the following replacement items: fencing/backstops at both fields, storage shed replacement, snack shack, dug out replacements and new bleachers. Ms. Steele explained this is a partnership with Little League and that the Public Works Department mows the fields once a week and Little League mows it the rest of the time. Mr. Brown stated he hauls in about ten ton of sand each year and Little League will also bring in some. Mr. Clemson stated the Centre Bulldogs will continue to maintain the snack shack and fields. The Board decided to defer any action until Ms. Steele can meet with Mr. Hawbaker regarding an agreement. Mr. Hawbaker thanked the Board for their support. Ms. Steele commented the Board would be looking at parking options at their next meeting.

Ms. Spencer questioned why the Board was discussing the summer parks program. Mr. Stevenson stated that this is due to the potential need to raise taxes and/or compensate for loss of revenue and the general increase in

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cost and that at some point there will not be enough money in the cash carryover to carry the township over into the first few months of the next year and it is important to look at revenues and expenses. Mr. Stevenson stated the summer parks program is the only program the Township runs which needs to have additional staff and he is inclined to start charging a user or registration fee. Ms. Steele explained that the township had just broke even last year, as was modeled it would be over the last three years with capital expenditures made by the Township, and will have less revenues this year and will have no reserve at the end of the year. Ms. Spencer suggested tabling this until the next meeting. Mr. Kirsten suggested the Park & Recreation Board look at the program after this summer's program has been completed.

- **MOTION:** *Ms. Spencer moved to table this discussion until a later date; Mr. Pisoni seconded; Vote 5-0-0; Motion Carried.*

8. GERALD & SHIRLEY BROWN'S MOTION TO RECONSIDER SUPERVISOR'S DENIAL OF BROWN'S REQUEST FOR A WAIVER OF HALFMOON TOWNSHIP'S CODE 215-26 (C) REQUIRING RESIDENTIAL SPRINKLER SYSTEM IN A SINGLE FAMILY DWELLING LOCATED OUTSIDE A COMMUNITY WATER SYSTEM

Ms. Steele explained that Ms. Rider and Mr. Brown were present to ask the Board of Supervisors to reconsider the denial of the waiver to waive the sprinkler system requirement. Ms. Steele stated that in 2004, as part of the Subdivision Ordinance, the region drafted a model ordinance that stated if you were outside a community water system than a sprinkler system, cistern and the 75,000 pound road limit was necessary. The 2004, also exempted subdivision of four lots or less from these requirements. When the ordinances were codified in 2011, the four lot exemption was not included. Ms. Steele explained that she thought the reason why it was removed is because the exemption was in the scope of the Ordinance and not within the law itself. Ms. Steele stated as the law reads today that any lot that is subdivided that is not within a community water system has to follow these requirements. Ms. Steele stated the Board of Supervisors waived the cistern and road requirement but did not waive the sprinkler system.

Ms. Rider stated the Planning Commission, Centre Region Planner, Zoning Officer and Solicitor all supported the waiver and asked why the exemption was left out of the code. Ms. Spencer stated she has not changed her mind and still supports the sprinkler system requirement. Mr. Stevenson stated he appreciated that Ms. Rider pointed out some inconsistencies and it prompted him to speak with Walt Schneider. Ms. Steele stated that again, because it was part of the scope of the Ordinance, it did not flow over during the codification process. Mr. Stevenson thanked Ms. Rider for the great suggestions such as man-made ponds and swimming pool cataloging. Ms. Steele stated she met with Mr. Kauffman and Mr. Bair to discuss this Ordinance and will talk about it at the EMC meeting to look at what is not enforceable. Ms. Liggett explained that Harris Township never had this exemption. Ms. Steele stated that since the last meeting aired she has had three phone calls from residents questioning whether they had to put sprinkler systems or cisterns in if they subdivided. Ms. Steele questioned if this is what the elected officials want. There was more discussion on how this exemption got dropped out of the code. Mr. Stevenson stated he does not know but it appears the intent of the waiver was to allow a small farm to be allowed to subdivide for their family and is inclined to reconsider. Mr. Goodall explained that all the Board is doing tonight is voting on whether they wish to reconsider their previous ruling or not, and if they approve to reconsider their previous motion, they will make their decision at the next meeting on whether to waive the sprinkler system or not. Mr. Goodall explained that the Board could decide to add this provision back into the law but would have to hold a public hearing. Mr. Goodall stated the township hired a service to reorganize the Ordinances based on topics and this provision may have been dropped as part of the process. Mr. Kirsten stated he feels this may be just a clerical issue. Mr. Stevenson stated he agrees this was a clerical issue. The cost of a sprinkler system was discussed. Mr. Bair stated the problem with coming up with a number is there are no plans as to house size. Mr. Bair stated the cistern would put the Browns at par and they are still burdened with the expense. Ms. Spencer stated whether the Ordinance changes or not, she voted in a philosophical way as there is not protection where they are at and they should install the sprinkler system for the protection of the family. Ms. Rider explained they would not be in the middle of nowhere. They timed it to the nearest fire station and it was nine minutes. Mr. Merritt stated he does not have a sprinkler system but would install one if he was building a new home and also has not changed his mind. Mr. Pisoni stated he also supports the sprinkler system. Mr. Kirsten and Mr. Stevenson both stated they supported the reconsideration and felt it was a clerical error that needs to be addressed but does not want to hold the Brown's up in their process.

- **MOTION:** *Mr. Kirsten moved to reconsider the motion to deny the waiver of the sprinkler system requirement; Mr. Stevenson seconded; Mr. Pisoni stated he has not changed his mind and feels it*

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will be a long term benefit to the township but sympathizes with the cost; Mr. Kauffman stated that the Brown's could put a cistern in and not put a sprinkler system in and this would meet the requirement but 4,000 gallons of water is not going to do much good; Mr. Kauffman stated the Board cannot require a sprinkler they can only require a water supply; Vote 2-3-0; Mr. Stevenson, yea; Mr. Kirsten, yea; Mr. Pisoni, nay; Mr. Merritt, nay; Ms. Spencer, nay; No abstentions; Motion to Reconsider is denied.

9. DISCUSSION & POSSIBLE APPROVAL OF SEWAGE PLANNING MODULE I FOR FINAL PLAN OF OAK LEAF DEVELOPMENT, TAX PARCEL 17-001A-102C

Ms. Liggett stated this subdivision is a 30 acre parcel located off of Morris Road and Towhill Road. The plan proposes to subdivide in half this parcel. The Sewage Planning module has been done for both properties. Ms. Liggett stated the Planning Commission, Centre Region Planner and Zoning Officer have recommended approval. Mr. Pisoni questioned where William Lane was on the plan. Ms. Liggett stated William Lane is not affected by this subdivision. Ms. Steele stated the board is not looking at the subdivision plan now but only looking at the sewage planning module. Ms. Steele stated there were some issues with the plan and staff will be meeting with Mr. Shuey to discuss those concerns. Mr. Stevenson stated Mr. Pisoni's comments should go to the Planning Commission.

- ***MOTION: Mr. Pisoni moved to approve the Sewage Planning Module I for Oak Leaf Development; Mr. Kirsten seconded; Vote 5-0-0; Motion Carried.***

10. PRESENTATION BY TOWNSHIP SOLICITOR REGARDING PROTECTION OF HALFMOON TOWNSHIP OPEN SPACE PROGRAM ADVANCED PAYMENTS MADE TO PRESENT LEASEHOLDERS

Ms. Smith provided information showing advance payments that were paid in the amount of \$1,019,493.60. Ms. Steele stated one question asked to the Township Solicitor is what the Township can do retroactively to protect these dollars in the event of a foreclosure with no prior approval from the mortgage company. Ms. Steele stated there are about 10-12 properties with mortgages on them which are in priority position over the Township's easement. Ms. Steele commented in the event of a foreclosure and without the knowledge and approval of the mortgage company prior to the lease being recorded, the mortgage company has the right to terminate the lease and, in the event an advance payment had also been made on the property, the monies would be washed. However, Ms. Steele stated the monies, as they are tax monies, could not be washed by the Township or supervisors and would need to be legally pursued to collect. Ms. Steele stated, now, however, there is nothing that can be done retroactively to protect those monies except if collect in litigation if the lease is broken. Mr. Goodall stated he had advised staff in 2006 when the advance payment language was being drafted advising against this but does not know what came to the Board. Mr. Goodall stated he drafted language assuming the advance payments would be made on the first 20 years and was told they would be coming off the back of the lease and was not comfortable with this and advised against this. Mr. Goodall stated you cannot interfere with existing liens on a property. Mr. Goodall commented the township could refuse to consent to future mortgages since they are paying money and have the right to consent to future mortgages. Mr. Stevenson questioned whether it would be a waste of time and money to attempt to contact the mortgage companies and let them know the Township had a lien on the property behind theirs and ask them to respect that lien. Mr. Goodall stated the lien is on record at the courthouse and if there is a foreclosure the lending institute would have to notify the township but could still release the Township's easement. Mr. Stevenson stated he has concerns on the properties where the township is not in first lien position and the residents have an expectation that those properties will be preserved for 99 years and not be developed but that can be vacated if the property has a mortgage in first lien position. Mr. Stevenson questioned whether if a property is sold and a mortgage is retired than does the township than become in first lien position? Mr. Goodall said yes. Mr. Pisoni questioned if someone refinances does that put the township in the first lien position? Mr. Goodall said yes. Mr. Goodall also stated 99% of refinances would jump the township into first lien position. There was discussion on appraised values and whether the lease de-values the property. Mr. Merritt questioned if the lender would be less likely to give a mortgage in second position and is this property sellable? Mr. Goodall stated it may not but the point of the program is to make sure these properties are not being developed. The township is paying a lot of money to have that happen and the landowner gives up that right to do what they want with that land. Mr. Goodall stated the township has the right to renew the lease after the 99 year lease is up. Mr. Tylka stated the deal was structured with no advance payments in mind so the mortgage did not matter then but the advance payment option changed that. Mr. Tylka commented it can be assumed over the next 70 years that some of these properties will be

foreclosed. Mr. Tylka stated the lender may say no but they may give the township a set of documents which would allow the township to maintain the lease on the property. Mr. Tylka stated there is a way to fix this. Mr. Tylka commented the township would need to do an assessment on the risks and take an analysis of the properties. Mr. Tylka stated again this can be fixed but it will cost money. Mr. Tylka stated in making it fair to the landowner if there is no mortgage and they want to get something done they could get the same set of documents and make everyone happy but the landowner should pay the costs. Ms. Steele stated she did do an assessment of the properties and there are four that are at high risk. Ms. Spencer stated letters should be sent to mortgage companies to show there was an effort made. Mr. Tylka stated letters sent now may jeopardize the landowners with their mortgage companies as the mortgage companies did not know and in effect they are in default under their mortgage. Mr. Tylka stated in the future a mortgage approval letter should be required on all new properties entering the program. Mr. Stevenson stated he would like to see a risk assessment on which properties are in first and second positions and address issues whether a letter should be sent to the lender without the landowners permission. Mr. Stevenson stated he like the idea of adding language within the lease to address future mortgages. Mr. Tylka stated in going forward there should be no more second positions for the township. Mr. Goodall stated a title search is completed on all properties and a report is provided to the township and it can be determined at that time whether the Board wants to take that risk. Mr. Tylka stated no more advance payments should be paid unless the township is in first position. Mr. Stevenson suggested not approving anymore leases period without a subordination agreement and looks for direction from the Open Space Preservation Board. Ms. Steele stated she would like to see the program run like the county program.

Mr. Tylka stated the funding for the program is limited to the 2 mils and all the costs associated with the program should come out of that 2 mils but has concern as a tax payer that the Board may dip into the general fund to cover costs and expenses for the program. Mr. Goodall stated because they are legal agreements the township cannot default on the leases. Mr. Tylka stated he begs to differ and stated the lease states if there are unavailable funds than the township can terminate the lease. Mr. Goodall apologized and stated he thought Mr. Tylka was referring to trying to keep the lease on the property and defaulting on payments. Mr. Pisoni stated the advance payment decisions are purely based on the 2 mil tax. Mr. Stevenson stated the township is limited on what is can pay. Ms. Spencer questioned whether the township cannot make a lease payment on a property that has put the advance payment in jeopardy. Mr. Goodall stated the township would have to pay that lease payment. Mr. Goodall stated the township could start bargaining with the landowner. Ms. Steele stated the Township is in a good position because the landowner would have to come to the township to receive approval before a house could be built or to take it out of the program. Ms. Steele stated like Mr. Goodall previously stated the township could negotiate repayment of the advance with the landowner. Mr. Hilshey commented the land trust would never have allowed a conservation lease to be subordinate to the mortgage.

11. FY 2012-2013 CATA BUDGET DISCUSSION

Ms. Steele stated the costs have gone down for Halfmoon Township. There were no comments.

12. ADJOURNMENT

There being no further business before the board, the meeting was adjourned at 9:45 p.m.

- ***MOTION: Mr. Kirsten moved to adjourn the meeting at 9:45 p.m.; Mr. Pisoni seconded; Vote 5-0-0; Motion Carried.***