

1. **CALL TO ORDER**

Chair Mark Stevenson called the meeting to order at 7:00 p.m. Other Supervisors present were Barbara Spencer, Todd Kirsten, Ben Pisoni and Andy Merritt. Staff present were Susan Steele, Manager and Amy Smith, Township Clerk; Ron Hoover, OSPB & Bob Eberhart, OSPB. Residents & others in attendance: Greg Shufan.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

3. **CITIZEN COMMENTS**

There were no citizen comments.

4. **TREASURER'S REPORT**

MOTION: Mr. Pisoni moved to approve the Treasurer's Report dated July 12th, 2012; Ms. Spencer seconded; Vote 5-0-0; Motion Carried.

5. **BILLS LIST**

MOTION: Ms. Spencer moved to approve the Bills List dated July 12th, 2012; Mr. Kirsten seconded; Vote 4-0-1; Messrs. Kirsten, yea; Merritt, yea; Pisoni, yea; Ms. Spencer, yea; No Nays; Mr. Stevenson, abstention; Motion Carried.

6. **APPROVAL OF MINUTES**

- ***MOTION: Mr. Kirsten moved to approve the meeting minutes dated June 28th, 2012; Ms. Spencer seconded; Vote 5-0-0; Motion Carried.***

7. **DISCUSSION AND POSSIBLE APPROVAL OF WAIVER OF FIRE REGULATIONS IN A SUBDIVISION REQUIRING EITHER A CISTERN OR SPRINKLER SYSTEM FOR BROOKS AND SHARON WAY**

Mr. Shufan stated the Ways submitted a waiver requesting to use the pond that sits approximately 150 feet south of the lot they are subdividing in-lieu of a cistern. Mr. Shufan estimated the pond to hold approximately 50,000 – 150,000 gallons of water and sits within 1,000 feet of the lot. Mr. Shufan stated Mr. Way commented that the pond has not been dry since 1945. Mr. Shufan stated the Port Matilda Fire Chief has looked at the pond and supports that usage. The Ways will install a dry hydrant. Mr. Kirsten stated there is a note from Ms. Liggett questioning whether a waiver is necessary. Ms. Yurchak responded by stating that the Ordinance is ambiguous and recommends the waiver with comments stating that our interpretation is that a waiver is not required as a pond is equivalent to a water storage source and may be better based on Don's comments.

- ***MOTION: Ms. Spencer moved to waive Township Code 215-26 requiring a cistern or sprinkler system in a subdivision lot and allowing the replacement thereof as required under the Code of the use of an existing pond within 1,000 feet and dry hydrant for fire suppression needs; Mr. Merritt seconded; Mr. Kirsten stated he inquired with Mr. Steven Bair as to what constitutes an acceptable water source. Mr. Bair responded by stating that anything deemed acceptable by a fire agency is acceptable. Mr. Coopey stated the pond is feed by springs. Ms. Steele stated the difference in this request and the Rider/Brown request is that there is a nearby pond available. Mr. Pisoni questioned whether the Board should start discussing what the requirements of a dry hydrant are. Ms. Steele stated the Fire Companies will be meeting with the Planning Commission and that can be discussed then. Mr. Pisoni stated the hydrant should be installed per fire company regulations. Mr. Kirsten stated Mr. Bair does an inspection at installation to ensure it is installed properly. Mr. Kirsten questioned whether the Planning Commission will look at and clean up the language. Mr. Kirsten commented that if a pond is 1200 feet away from the lot and a hydrant is 800 feet away from the lot the hydrant would be considered the water source. Motion Withdrawn.***

- **MOTION:** *Mr. Pisoni moved amend the motion and moved to approve the waiver contingent upon the approval of the Fire Chief's approval of the design and installation of the dry hydrant; Mr. Merritt seconded; Vote 5-0-0; Motion Carried.*

8. DISCUSSION AND POSSIBLE APPROVAL OF WAY PRELIMINARY/FINAL SUBDIVISION PLAN FOR ONE LOT SUBDIVISION OF BROOKS AND SHARON WAY

Ms. Steele stated she thought originally the sewage module had been rejected by the DEP but it was not rejected and just needed a supplemental added to it for Worth Township. Mr. Coopey stated that Worth Township approved their modular bother modules are at DEP for review. Mr. Shufran stated he spoke with Rob Evertt from DEP and he said the modules look okay. Mr. Shufran commented that this is a basic one lot subdivision located off of Orchard Road. Ms. Smith stated an address was assigned to this lot. Mr. Coopey stated he and his wife planned on building a home on this lot. Mr. Kirsten questioned whether this was the first exempt lot. Mr. Shufran commented that it was the first exempt lot.

- **MOTION:** *Mr. Kirsten moved to conditionally approve the Preliminary/Final Subdivision Plan for Way's one lot subdivision conditioned upon an approved sewer planning module by the Department of Environmental Protection and CRPA's comments dated 7/9/12, Township Engineer's comments dated 5/21/12, and Township Zoning Officer's comments dated 5/21/12 being satisfied; Mr. Merritt seconded; Vote 5-0-0; Motion Carried.*

9. OPEN SPACE ISSUES

Friling Property – Ms. Steele stated the Board of Supervisors approved the Friling conservation lease application and advance payment at their February 9th, 2012 meeting. However, it has come to light that the Huntingdon County Preservation Program will put all the property in their program. Ms. Steele stated she spoke with Richard Stahl and Andy from the Huntingdon Office who stated that the Friling property is their top priority. Ms. Steele explained that this program is State and Federal funded and can straddle both Municipalities/Counties. Mr. Pisoni questioned whether Huntingdon County required subordinations from the Friling mortgage companies. Ms. Steele stated Huntingdon County does require subordinations. Ms. Steele stated at the time she spoke to Mr. Stahl and Andy they had not received a title search back yet. Ms. Steele stated Mr. Stahl commented they only had one other property that had mortgages on it. Ms. Spencer stated she felt the Board should reconsider their motion made at the February 9th meeting. Mr. Eberhart questioned why the Frilings wanted to put it in the Halfmoon Township program. Ms. Steele stated they may not have known they could put it in the program but is not sure of the reasoning. Mr. Eberhart stated they would be better off in the Huntingdon County program.

- **MOTION:** *Ms. Spencer moved to reconsider the February 9th, 2012, approval of Application No. 2011-34, approving a Conservation Lease Agreement and request for advance payment between Wayne M. and Margaret E. Friling and Halfmoon Township, Tax Parcel 52-002-008, located at 1015 Pegway Lane, Warriors Mark, PA; Mr. Merritt seconded; Vote 5-0-0; Motion Carried.*

Mr. Pisoni stated from the Township's standpoint it is better to get permanent preservation than only lease it for 99 years. Mr. Stevenson questioned how many properties were in the permanent preservation program. Ms. Steele stated that none were permanently preserved through the Centre County program because we do not have the type of soils the county is looking for in preservation. There was discussion on the title search for the Friling property.

- **MOTION:** *Ms. Spencer moved to rescind the February 9th, 2012, approval of Application No. 2011-34, approving a Conservation Lease Agreement and request for advance payment between Wayne M. and Margaret E. Friling and Halfmoon Township, Tax Parcel 52-002-008, located at 1015 Pegway Lane, Warriors Mark, PA; Mr. Merritt seconded; Vote 5-0-0; Motion Carried.*

Open Space Program – Ms. Steele stated there were concerns raised at the June 14th Board of Supervisors meeting with advance payment policies. Ms. Steele commented she put together some ideas to help solve some of these problems. Ms. Steele suggested putting the advance payments in a moratorium for one year and go

through the Ordinance and make amendments. This would mean no advance payments would be considered or given throughout that year. Ms. Steele stated there has been no policy change yet and there are two advance payment requests. Ms. Steele stated within this time the Board could look at the processes and policies and change the policy so a title search is completed sooner. Ms. Steele suggested also looking at the inspection time limits.

Mr. Pisoni stated there are two main topics for discussion, advance payments and the consensus of being first lien and do they want the same for lease payments.

Ms. Spencer stated the lease payment is being made with tax payers dollars and the Board needs to be good stewards of these funds. Ms. Spencer recommends a moratorium. Ms. Steele stated the Board would have to honor the current leases. Mr. Eberhart questioned who has asked for an advance payment and if there were mortgages. Ms. Smith stated both properties have mortgages on them. Ms. Steele questioned whether the Board would like the moratorium effective immediately. Ms. Spencer stated this would build up the coffers for the fund and it gives the chance for the Board to make the program solid. Ms. Steele stated she spoke to Mr. Zalinski who recommended placing the program in a moratorium if there were concerns. Mr. Zalinski is the Solicitor that originally worked with the OSPB to set the Ordinance up in its infancy. Mr. Eberhart questioned whether the Podgurski application has been completed. Ms. Smith stated she just needed to get it recorded. Mr. Stevenson questioned whether it was legal to put a moratorium on the leases and advance payments. Mr. Merritt stated this would still be an active program as the Board would continue to pay the current annual lease payments. Ms. Steele stated the moratorium is just saying that no new leases applications or advance payments will be considered for one year. Mr. Merritt stated he thinks it is a good idea to bring someone in who is an expert on this area and take two years to look at this program and possibly start looking at permanently purchasing development rights instead of just leasing. Mr. Merritt stated being anything but first lien is a nightmare if there is a foreclosure on anyone who took an advance and this leaves the township very exposed.

Mr. Eberhart stated he thinks the idea of permanent purchase is appealing but is expensive. Mr. Merritt questioned what the price per acre would be for a permanent purchase. Mr. Hoover stated he thought it would be about \$3200 per acre. Mr. Stevenson stated there would need to be an appraisal. Ms. Spencer stated it would be nice to have permanent purchases as part of the program. Mr. Hoover stated leasing it to keep it from being developed is costing pennies on the dollar but permanent purchase is an expensive program. Mr. Merritt stated at \$3500 per acres for 300 acres would amount to the monies spent on the program so far. Mr. Merritt stated even if the township was in first position they would still have to recoup the monies. Mr. Hoover commented that maybe the payments that have already been applied to these properties could count toward a permanent purchase. Mr. Kirsten questioned whether if some of the property could be permanently preserved. Mr. Eberhart stated there is a first right of refusal but that is at the end of the lease.

Mr. Hoover questioned whether the current Ordinance is as tight as it needs to be and the Board may need to look for additional legal advice and stated there may be some items that are not being fully addressed. Mr. Merritt stated some of the problem is the OSPB because they try to tinker and word smith any legal advice throughout the life of the program.

- **MOTION: Ms. Spencer moved to have a one year moratorium on any future new leases and future advance payments effective immediately; Mr. Merritt seconded; Mr. Merritt stated with respect to lease payments they do not need a moratorium to stop lease applications because it does not matter whether there is a mortgage; Mr. Stevenson stated there is no difference; Mr. Steele stated there are more questions coming in then just mortgages; Mr. Merritt stated he would like to bring in another attorney to review the program; Vote 4-1-0; Messrs. Merritt, yea; Kirsten, yea; Stevenson, yea; Ms. Spencer, yea; Mr. Pisoni, nay; No abstentions; Motion Carried.**

Mr. Stevenson stated there are two big issues to deal with. There are the mortgages and lien positions on the advance payment and the leases. Mr. Stevenson commented there is a lot to do to clean up the language. Mr. Stevenson stated there needs to be changes to the process and the policies. There needs to be a title search done prior to any acceptance. Mr. Stevenson stated he is not opposed to spending money on an expert but it should be clearly defined at what the Board wants them to look at. Mr. Stevenson suggested a joint session of the Board of Supervisors and Open Space Preservation Board at one of their meetings. Mr. Stevenson stated he would hate to declare a crisis and hire an expert and spend a lot of money if it can be dealt with in house. Ms. Spencer suggested a task force. Mr. Stevenson commented he is okay with that as long as they identify the

issues. Ms. Steele stated the Board could list their issues and she and Ms. Smith could take them to the OSPB to look at and categorize them and prioritize. Mr. Stevenson suggested looking at Harris Township since they are being a preservation program. Ms. Steele commented that they are still in their infancy. Ms. Steele explained the preservation program Patton Township uses. There was discussion on what municipalities in the Commonwealth of PA are in a leasing program. Ms. Steele suggested having comments back to staff by August 1st, 2012.

Mr. Eberhart commented that if nothing is done about permanent preservation than at the end of the lease the property is out and who knows what will happen. Mr. Merritt stated the Township could make installment payments and then at the end of the 99 year lease it is permanently preserved. Mr. Hoover commented the advance offered flexibility but if there are funds available in 20-30 years than they could look at permanent purchases. Ms. Steele stated the Board needs to prioritize what is purchased.

10. CONTINUED NEW MUNICIPAL BUILDING PRESENTATION AND DISCUSSION

Ms. Steele provided a presentation on the new municipal building with several options and costs. The Chairman directed Ms. Steele to look into a public/private partnership.

11. SUPERVISORS' REPORTS

Ms. Spencer discussed the Harvest Fields DRI in Harris Township. The Board agreed when it came up at the General Forum they were in consensus to approve the expansion of the sewer service area.

Mr. Stevenson questioned whether another Board member would sit in for him for the Executive Meeting. Ms. Spencer volunteered to sit in for Mr. Stevenson.

Mr. Kirsten stated he attended the Transportation and Land Use meeting which they discussed the Comprehensive Plan and the Centre Region Bicycle plan. Mr. Kirsten stated the C-Net board met and approved three new programs and looked at the preliminary budget. Halfmoon Township will have a 1.8 percent increase for next year.

Ms. Steele stated she attended the Public Safety meeting for Mr. Pisoni and they discussed the Code software and workmans comp mutual aid contracts.

12. MANAGER'S REPORT

Ms. Steele stated there is a change in the MPC that states a Board can no longer conditionally approve a subdivision plan without the Sewage Enforcement Officer or DEP approval. Mr. Stevenson requested Ms. Steele check to make sure this law has been passed into an Act.

Ms. Steele stated the Zoning Hearing Board met to hear an appeal of the Zoning Officer's decision from Donald Houtz regarding Nittany Greyhound Don Houtz. The meeting will be continued on Wednesday, August 15th at 5:30 p.m.

13. ADJOURNMENT

There being no further business before the board, the meeting was adjourned at 9:15 p.m.

- ***MOTION: Mr. Merritt moved to adjourn the meeting at 9:15 p.m.; Ms. Spencer seconded; Vote 5-0-0; Motion Carried.***