

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD  
REGULAR MEETING – MINUTES  
FEBRUARY 3RD, 2010**

**1. CALL TO ORDER**

Chair Ron Hoover called the meeting to order at 7:02 p.m. Other members present were Bob Eberhart, Lee Pressler, Ben Pisoni, Dennis Thomson, Jerry Brown and Andy Merritt. Staff present was Dave Piper, OSPB Administrator; Susan Steele, Manager and Amy Smith, Minute Recorder. No Audience present.

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTES**

The Board welcomed Ms. Steele and introduced themselves.

● ***MOTION: Mr. Thomson moved to approve the reorganization minutes of January 6th, 2010; Mr. Pisoni seconded; Vote 7-0-0; Motion Carried.***

**4. RT VENUTES WALKOVER – AMENDED LAND DESCRIPTION**

There was discussion on the pins/markers that were not present during the walkover. Ms. Yurchak provided an email from Keller Engineers as to the reasoning why they were not present due to frozen ground and weather. There was concern and discussion on the right-of-way that was approved by the Zoning Hearing Board that Penn Dot has not been provided a permit for or provided information stating it has adequate sight distance. Mr. Thomson stated there was a 33 foot right-of-way approved by the Zoning Hearing Board. Mr. Thomson questioned whether a subdivision happened to which there is no legal access. Mr. Piper stated he did not believe there was a highway occupancy permit issued for this right-of-way. Mr. Piper stated they were not requesting a new access into this property at the time of the plan and is using the same farm access it always has. Mr. Thomson discussed other right-of-way issues on other Open Space Preservation properties. There was discussion on what would have to transpire for the current right-of-way to the new right-of-way. Mr. Pressler stated he has concerns that if there is not adequate sight distance then a permit would not be approved and there would not be a right-of-way. Mr. Piper stated there should at least be a letter from the Township Engineer stating that it would qualify for a highway occupancy permit. There was discussion on whether the 10% exemption option was taken out of the agreement under the modifications. Mr. Pressler discussed the building area that the landowner could build a home or camp and perk testing. Mr. Pressler stated it needs to be stated on the plan where the septic perks were done and the backup system area. Mr. Piper discussed grades and fill on a Penn Dot right-of-way. Mr. Piper stated the Township Engineer could verify that this right-of-way would qualify for a highway occupancy permit and sight distances are met. Mr. Merritt stated that the current driveway meets the requirements now and questioned whether the concern was that they would build something else that would not support the current bridge and driveway. There was concern that once the Wildlife Corridor is in effect the property owner will not be able to get enough of a right-of-way if they need to use fill. Mr. Piper discussed the floodway. Mr. Pisoni stated this is not on the townships shoulders because it does not fall on the township if the property owner can not get an occupancy permit. Mr. Pisoni stated the Board could express concerns to the homeowner and they could hire their own engineer. Mr. Piper discussed subdivision requirements and proof should have been provided that this is a viable backup right-of-way. Ms. Steele stated this is not an Open Space Preservation Board issue and if this property meets the requirements then it should be approved. There was discussion on the four acres

that will be included in the Wildlife Corridor needing an access. Mr. Piper stated the property owner could have an agreement with Clearwater Conservancy for legal access to the four acres. Mr. Piper discussed the state road laws. Mr. Hoover stated if the right-of-way is there than the Open Space Preservation Board should approve the land description because it is not an argument for the Open Space Board. Mr. Pressler questioned how the right-of-way got passed the Planning Commission. Mr. Eberhart stated there is a legal access to the 64 acres now. Mr. Piper stated he thinks the four acres should have access and it should be the property owner's responsibility to put that agreement in place. Mr. Pisoni questioned why there needed to be an access. Mr. Piper and Mr. Thomson stated it could be for noxious weeds, nitrate testing, etc. Mr. Piper stated there should be a legal access to the four acres. Mr. Pisoni stated it should be left up to the solicitor. Mr. Piper stated it should go to the Board of Supervisors and they can decide whether to address it with the solicitor.

• **MOTION: Mr. Thomson moved that if a parent question regarding the status and legality of access ways to both the 63.6 acre and 4 acre parcels of the present Berkobin properties can be resolved the Open Space Board believes that the 63.6 acre is fully qualified for enrollment for the Open Space Preservation Board program;** Mr. Pisoni stated there is nothing in the Ordinance to put that stipulation on this property. Mr. Thomson stated it is only a recommendation. Mr. Pisoni stated then it should be said the OSPB recommends the property and send a letter separately with the concerns. Mr. Merritt stated if it meets the criteria then it meets the criteria. Mr. Thomson stated unless this is resolved then he does not know how it can be recommended. Mr. Thomson withdrew his motion.

Mr. Piper stated the 63.6 acres meets the requirements. Mr. Merritt questioned whether Ms. Smith or Ms. Steele could draft a letter to Mr. Berkobin and request he provide legal access to the 4 acres of the Wildlife Corridor that he provide in writing. Mr. Pisoni stated they are two different issues. Mr. Pressler stated the access that is there angles towards the bridge so there could not be a legal access to the 4 acres.

• **MOTION: Mr. Merritt moved to recommend the 63.6 acre RT Ventures property for qualification for acceptance into the OSPP; Mr. Thomson seconded; Vote 6-1-0; Messrs. Thomson, yea; Brown, yea; Merritt, yea; Hoover, yea; Pisoni, yea; Eberhart, yea; Mr. Pressler, nay; Motion Carried.**

There was further discussion on the 33 foot legal access and whether Penn Dot will issue a permit. Mr. Piper reviewed the subdivision plan and discussed bridge replacement. Mr. Piper recommends the Board of Supervisors require some type of legal access.

• **MOTION: Mr. Eberhart moved to recommend the Board of Supervisors look into providing a legal access to the 4 acres; Mr. Pisoni seconded; Vote 7-0-0; Motion Carried.**

## **5. RT VENTURES OPEN SPACE PRESERVATION APPLICATION MODIFICATIONS**

Mr. Eberhart stated this shows they have excluded the 10% exemption option. Mr. Thomson stated there are restrictions placed on this property by the Clearwater Conservancy. Mr. Pressler stated there is one additional residence allowed. There was discussion on the requirements of the size of a building, building areas and subdivision regulations.

• **MOTION: Mr. Thomson moved to accept the modifications to the RT Ventures OSPP 99 year lease; Mr. Eberhart seconded; Vote 7-0-0; Motion Carried.**

Mr. Eberhart stated the memorandum of lease has some errors that need to be fixed. The "lease" should read "lease of development rights" and the 66 acres should read 64 and the language "and partly in Ferguson Township" should be removed. Mr. Eberhart discussed the dates that are included in the memorandum of lease that states the lease commenced on July 1, 2009 but it has not been signed yet. There was discussion on retroacting the dates. Mr. Pisoni stated the solicitor stated it needs to be consistent and since the rest were retroacted then this should be too. Mr. Pisoni stated this needs to be addressed in the future and changed. Mr. Pisoni stated there is no advantage to the Township to end the lease early and needs to be re-reviewed. The Board requested Ms. Yurchak review the Memorandum of Lease for further typo errors.

• ***MOTION: Mr. Eberhart moved to move the Memorandum of Lease for the RT Ventures OSPP 99 year lease forward with the requested corrections; Mr. Pisoni seconded; Vote 7-0-0; Motion Carried.***

## **6. THOMSON LEASE AMENDMENTS**

Mr. Thomson stated he was recusing himself. Mr. Brown stated when the Ordinance was being worked on the Board tried to make it as landowner friendly as possible. Mr. Brown stated the Board tried to make it as consistent as possible with other established preservation programs. Mr. Brown stated no one can control tax increases. Mr. Brown questioned what Mr. Thomson can not do in the program that he can not do in it with a tax increase. Mr. Thomson stated it would attract different clientele if it was in the program. Mr. Brown stated the OSPB would like to have the property. Mr. Brown stated a customized lease agreement can not be made just for one person. Mr. Brown discussed school district taxes and the clean and green program. There was discussion on approaching the school district about a tax freeze for properties that are preserved. Mr. Piper explained Mr. Thomson could subdivide his property in the event of a tax increase and he would need to decrease the size of his property to make it affordable.

Mr. Pressler left the meeting at 8:45 p.m.

Mr. Thomson discussed the apparent huge tax increase based on the consolidation of his property because they are being treated differently because they have a large parcel in the State College Area School District.

Mr. Merritt left the meeting at 8:58 p.m.

There was discussion on changing the Ordinance instead of modifying the lease. Mr. Pisoni stated he had concerns that changing the Ordinance because of the appearance. There was discussion on whether all the leases prior to this lease would have to be re-negotiated. Mr. Thomson stated any of those lease holders could have come in and requested the same modifications. Mr. Thomson stated they feel they need protection over increased taxes. Mr. Hoover stated Mr. Thomson's concerns are duly noted and requested Mr. Piper stop into the assessment office to speak with the assessor to get some facts for the Board for future applicants. Mr. Hoover requested this issue be tabled until the next meeting until more information can be obtained. Mr. Thomson stated they would like to be in the program and just want to find common ground and protect his families interest. Mr. Pisoni stated the assessed value is not the issue here. The assessed value amplifies the request. It was requested that Ms. Yurchak provide explanation why prior contracts would have to be re-negotiated. Mr. Pisoni stated he feels it is appropriate to re-negotiate those contracts. Mr. Brown stated it would customized leases and would be impossible to accomplish.

## **7. RT VENTURES WILDLIFE CORRIDOR APPRAISAL**

Mr. Pisoni stated Mr. Piper, Ms. Yurchak and himself served on the committee and Ms. Yurchak had some minor concerns. Ms. Yurchak reviewed with the appraiser the minor concerns and is comfortable with the information that has been received. There was discussion on the appraisal amount. There was discussion on where all the monies will come from for the Wildlife Corridor. Mr. Piper stated the appraisal met the requirements of the Ordinance and the committee has no choice but to pass it forward. Mr. Eberhart stated the Township has already agreed to pay \$5,000 an acres so it does not affect the Township budget.

- ***MOTION: Mr. Pisoni moved to forward the Wildlife Corridor Appraisal to the Board of Supervisors for public hearing; Mr. Eberhart seconded; Vote 3-2-0; Messrs. Pisoni, yea; Eberhart, yea; Hoover, yea; Mr. Thomson, nay, Mr. Brown, nay; Motion Carried.***

## **8. MARKETING PLAN**

Ms. Steele stated the Board of Supervisors has asked her as one of the priorities to attend the Open Space Preservation Program and work on ideas to try to get more interest in the program. Ms. Steele stated Mr. DeGregorio would like to approach the school board again about freezing the school district taxes. Ms. Steele stated she will continue to bring this back to the OSPB. Ms. Steele stated there needs to be someone appointed the 5 year review committee.

## **9. APPOINTMENT OF OSPB MEMBER TO THE OSPP 5 YEAR REVIEW COMMITTEE**

- ***MOTION: Mr. Eberhart moved to nominate Mr. Hoover; Mr. Hoover declined; Mr. Hoover questioned when the group would start meeting. Ms. Steele stated approximately March or April. Mr. Hoover stated he did not have the time to devote to the committee. Motion dies.***

Ms. Steele read the list of suggested committee members. The Board suggested contacting Steve Warner, Tammy Perkins, Norm Lathbury, Linda Welker, D.J. Liggett and Nancy VanLandingham to see if they would be interested in serving on this committee. This issue was tabled until the next meeting so all the members could be present.

## **10. OTHER BUSINESS**

Mr. Pisoni stated the landowners are inquiring what the OSPB has decided on the advanced payments for 2010. Mr. Pisoni stated that can be an agenda item for the next meeting and review the figures.

## **11. CITIZEN'S COMMENTS**

There were no citizen's comments.

## **12. ADJOURNMENT**

The meeting was adjourned at 9:53 p.m.

- ***MOTION: Mr. Thomson moved to adjourn the meeting at 9:53 p.m.; Mr. Pisoni seconded; Vote 5-0-0; Motion Carried.***

