

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD  
REGULAR MEETING – MINUTES  
AUGUST 25TH, 2010**

**1. CALL TO ORDER**

Chair Ron Hoover called the meeting to order at 7:03 p.m. Other members present were Bob Eberhart, Jerry Brown, Andy Merritt and Brooks Way. Staff present was Susan Steele, Manager; David Piper, Program Administrator and Amy Smith, Minute Recorder. No Audience present.

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTES**

- ***MOTION: Mr. Merritt moved to approve the minutes of July 7th, 2010 with a date change; Mr. Eberhart seconded; Vote 5-0-0; Motion Carried.***

**4. DISCUSSION AND POSSIBLE MOTION TO TAKE FROM THE 5 YEAR REVIEW COMMITTEE THOMSON RECOMMENDATIONS**

Ms. Steele explained since at the last meeting the Open Space Preservation Board voted to send the recommendations to the 5 year review committee they would need to vote to take the recommendations back for review. Ms. Steele stated Mr. Thomson and his attorney raised some very valid points but feels there are still other issues in the lease and Ordinance that need to be addressed. Ms. Steele stated everyone that needs to go into the program should not have to hire an attorney. There was discussion on who drafted the lease and where it came from and how the lease and Ordinance do not mirror each other. Ms. Steele stated the office of Goodall & Yurchak draft the leases for the applicants to sign. There was discussion on the section 3.03 that refers to mortgages. Mr. Brown stated there is no precedence set for these leases so there are bound to be mistakes made so the board can only try to correct them. Mr. Eberhart questioned why the OSPB could not just make recommendations to the 5 year review committee. Mr. Piper recommended the OSPB take back the amendment recommendations for review.

- ***MOTION: Mr. Eberhart moved to bring the amendment recommendations back to the OSPB for review; Mr. Brown seconded; Vote 5-0-0.***

Ms. Steele suggested staff review the lease and Ordinance and draft an outline of possible discrepancies between the two for the OSPB to review and make recommendations to the Board of Supervisors. Mr. Merritt stated he feels it would be more beneficial to review the whole document and not piece meal it. Ms. Steele stated she felt staff could have this completed by the first meeting in October. Mr. Hoover questioned whether it was legal to have language in the lease that does not tie back to the Ordinance. Mr. Piper stated it is legal because the applicants are signing it of their own free will. Mr. Merritt questioned how the Board remedies the leases for the lease holders that are already in the program. Mr. Eberhart stated **all** leases should be corrected regarding section 3.03 referring to mortgage restrictions once this has been amended. Ms. Steele stated she would discuss this with the Solicitor how to make all the leases more consistent but it is normally done with a rider that is attached to the lease. Mr. Hoover questioned whether staff should contact all the lease holders. Mr. Eberhart stated the OSPB should decide where they want to go with this then it would go to the Board of Supervisors. Mr. Merritt questioned what if a lease holder did not

want to change their lease. Ms. Steele stated they do not have to sign the rider and could request it be left as is without the rider.

- **MOTION: Mr. Merritt moved to request staff complete an analysis between the lease and Ordinance and bring back to the OSPB for review for the first meeting in October; Mr. Eberhart stated he thought it was very helpful to have it outlined; There was further discussion on the mortgage restriction section; Mr. Way seconded; Vote 5-0-0.**

Mr. Eberhart questioned where some of the language came from. Ms. Steele discussed the exhibits that are required for attachment to the lease. There was discussion on the use of GIS mapping and the legal description to provide the amount of acreage.

Mr. Hoover stated the Open Space Preservation Board would like to recognize Mr. & Mrs. Thomson and Ms. Dupuis for their time and effort put into raising some very valid issues and it is greatly appreciated.

## **5. OTHER BUSINESS**

Ms. Steele stated all the lease payments have been made except for the Hagg property because their lease has not been signed by all the brothers. Ms. Steele commented there have been 4 20 year advance payment requests; Mr. Heim who is a new applicant, Mr. Barr, Mr. & Mrs. Stine and the Berkobin/Spencer/Dreibelbis property. Ms. Steele explained that Mr. Berkobin has power of attorney for the Spencer/Dreibelbis property and there was some discussion on who to check gets written to she checked with the Township Solicitor. The Solicitor stated the check could be written to Mr. Berkobin. Ms. Steele stated Centre Region COG hired an Economic Development Consultant and something that was discussed were some economic incentives for open space. Mr. Way stated a school district tax freeze would be an incentive. Ms. Steele stated she met with the consultant and requested he review incentives and alternatives to preserve open space. Ms. Steele stated she completed a preliminary budget but will not be given to the Board of Supervisors until September.

There was discussion on the permanent conservation easement and fee simple land acquisition language. Mr. Brown discussed the \$5,000 per acre cap limit and parkland. There was discussion on whether there should be a cap limit. Ms. Steele stated there was confusion whether the \$5,000 per acre took precedence over the 25% cap. Mr. Piper stated the Township can not purchase property and hold it longer than two years unless they have only purchased the development rights or it is used as parkland. Mr. Piper stated the Township is not purchasing the land but is purchasing the development rights only. Ms. Steele stated the language needs to be clarified. Mr. Piper stated the conservation easement and fee simple language should not be in the same resolution and discussed appraisal requirements. There was discussion that the appraisal language needs to be amended to better define the type of appraisal that is being requested. Mr. Piper stated he felt the appraisal that was completed on the Wildlife Corridor was based on a raw property that could be developed and it was maximized that it could be highly developable and it was not the case. Ms. Steele questioned whether it is another Ordinance the OSPB would like staff to review. Ms. Steele reviewed the procedure to purchase the development rights and the costs involved to the Township. Ms. Steele reviewed the appraisal process. There was discussion on the Heim property and how many acres the property contains.

## **6. CITIZEN'S COMMENTS**

There were no citizen's comments.

## 7. ADJOURMENT

The meeting was adjourned at 8:45 p.m.

- ***MOTION: Mr. Way moved to adjourn the meeting at 8:45 p.m.; Mr. Merritt seconded; Vote 5-0-0; Motion Carried.***