

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD  
REGULAR MEETING – MINUTES  
OCTOBER 7TH, 2009**

**1. CALL TO ORDER**

Vice-Chair Ron Hoover called the meeting to order at 7:05 p.m. Other members present were Bob Eberhart, Brooks Way, Ben Pisoni and Andy Merritt. Staff present was Dave Piper, OSPB Administrator; Karen Brown, Acting Manager and Amy Smith, Minute Recorder. No Audience present.

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTES**

● ***MOTION: Mr. Pisoni moved to approve the minutes of July 22nd, 2009; Mr. Merritt seconded; Vote 5-0-0; Motion Carried.***

**4. 2010 OPSB APPLICATIONS**

Mr. Pisoni stated since there is a funding issue that it may be best for the OSPB to discuss funding before accepting these applications and present to the applicants how the OSPB wants to proceed. The applicants may want to withdraw their applications if they can not get the 20 year advances. Brodzina, Nauman/Squire, Hagg and Snyder are requesting advances and Zarkower is not. Mr. Pisoni stated there are 331 acres between the applicants. Mr. Pisoni provided a funding balance projection sheet for the board to review. Mr. Piper questioned whether Mr. Pisoni adjusted the figures to show the withdrawal of the Barto application. Mr. Pisoni explained to the Board that Ms. Barto withdrew her application. Mr. Pisoni explained the Solicitor thinks that Ms. Barto may not have understood what she was asking her to complete. Ms. Barto needed to change her deed since her husband is deceased and also needed a right of way agreement. Mr. Pisoni suggested that someone from the Board speak to Ms. Barto and find out why she withdrew her application. Mr. Piper stated she may think it may get into a great expense to her. The Board agreed Mr. Pressler should speak with Ms. Barto since he knows her the best. Mr. Way questioned why the deed needs to be changed. The Board requested staff check with the Solicitor to find out why she needs to change the deed.

Mr. Pisoni explained on 12/31/2008 the fund balance would be \$387,144; once the lease and advances are paid for 2009 (\$273,308) the estimated fund balance for 12/31/2009 would be \$189,656. Wildlife Corridor payment is made in 2010 which equals \$200,00 - \$47,414 from 25% of the \$189,656 - .88 mills from the 2009 General Account and 1.35 mills - \$93,013. The fund balance on 12/31/2009 is \$189,656 - \$68,319 for estimated 2010 expenses - \$47,414 - 25% of the \$189,656 + \$44,672 - income from .65 mills - \$92,781 - income from 1.35 mills that went into General Account for WLC so the estimated fund balance at the end of 2010 with no new leases would be \$118,595. The new leases for 2010 would be \$10,120 for lease payments and \$178,362 for advance payments which equal \$188,482 which leaves a negative balance of \$68,887. Attached is 2010 OSPP Fund Balance Projection. There was discussion on how the advance payments are decided if there is a lack of funds. Mr. Pisoni stated he did a scenario if the applicants were given 5 year advances and there was still a shortage. Mr. Hoover discussed the applicants getting a percentage of the advance payments for a few years until the fund balance increases. Mr. Eberhart stated he reviewed the Ordinance and it states that the advances will be given on a first come, first serve basis. Ms. Brown questioned if that was the case then why is there a point system. Mr. Way

reviewed the state law the county uses for land preservation. Mr. Way stated the Township is not obligated to pay advances if the fund is broke. Mr. Hoover questioned whether it is possible to provide a percentage over three years for the advances in the Ordinance if the applicants are agreeable. Mr. Eberhart stated the Ordinance states the applicant can take a 5,10,15 or 20 year advance. Mr. Merritt questioned whether there was funding to give a 10 year advance. Mr. Pisoni stated it would not be possible to do 10 in 2009 and 2010. Mr. Way stated the Board needed to be careful not to set precedence. There was discussion on whether there was a cap on how many advances were paid to an applicant and can the applicant get more than a twenty year advance. Mr. Piper explained there were three applicants that were under the old contract. There was discussion on whether there was another amendment to the twenty year advance payment. The Board discussed the rating system and its purpose if it is first come, first serve. There was discussion on whether the applicant needed to request a twenty year advance when they submitted their application or could request it at a later time. Mr. Pisoni questioned whether the Board wanted to approach all the applicants that requested a 20 year advance and ask them to take a lesser advance or just Brodzina since he was the last application submitted. Mr. Piper questioned whether the Board wanted this 143 acres or just 11 acres somewhere else because they are not asking for an advanced payment. Mr. Way commented that even if he got the advance he would not see it for a year. Mr. Way stated he would speak to Mr. Brodzina. Mr. Hoover will speak to Mr. Nauman and Mr. Way will speak to Ms. Snyder. Mr. Pisoni stated the millage is up 1.5% but the lease CPI is increasing faster than the millage. Mr. Piper stated that maybe the general fund could contribute to keep the 20 year advances going until the wildlife corridor is completed. Mr. Hoover questioned whether there was enough cushion on the budget to help pay for more of the wildlife corridor instead of taking it from the OSPF fund. Mr. Pisoni they will be starting budget discussions soon. Mr. Pisoni stated he was not sure if in one year there is enough to cover \$70,000 unless it was spread out a few years. Mr. Way suggested tabling this issue until the applicants can be spoken to about the funding issues. Mr. Pisoni questioned whether it was more feasible to ask all the applicants to take a 5 year advance and not just one. Mr. Hoover questioned whether there should be a letter written. The Board agreed the applicants should just be spoken to first about 5 year advances. Mr. Pisoni questioned whether the advance payments could be limited to 5 years for a few years. Ms. Brown stated it allows for denial but does it allow for adjustment. There was discussion on amending the Ordinance. Mr. Hoover stated it may be less attractive to offer a 5 year advance and then they have to wait until they can get another 5 years it may deter applicants from applying. Mr. Piper stated the way the he reads the Ordinance the applicant can only apply for an advance when they originally submit their application. The Board requested Ms. Smith check with the Solicitor to interpret "current lease holder" in Ordinance 2005-3 section 701.c. 1&2. The Board requested Ms. Smith inquire with the solicitor what the options are for the board if there is not enough funds to fulfill the advance payment requests. If they can offer 5 year advances without the applicants waiting 5 years to get another 5 year advance or offer a percentage.

The inspection dates for the five 2010 applicants will be November 7<sup>th</sup> & 14<sup>th</sup>. Mr. Eberhart and Mr. Pisoni stated they were available on those days. The rest of the Board will check their schedules and get back to Ms. Smith. Brodzina, Nauman & Hagg properties will be completed November 7<sup>th</sup> and the Zarkower & Snyder properties will be completed November 14<sup>th</sup>. There are no 5 year inspections. The Board requested Ms. Smith check with Mr. Pressler and see if he is willing to complete the land ratings for these properties.

## **5. DRAFT CONSERVATION EASEMENT FOR WILDLIFE CORRIDOR**

The Board reviewed the minor changes and had no problem with the changes. The solicitor recommended these changes.

• **MOTION: Mr. Way moved to accept the changes by the DCNR to the Conservation Easement for the WLC; Mr. Eberhart seconded; Vote 5-0-0; Motion Carried.**

**6. BARR REQUEST**

Mr. Piper stated Mr. Barr submitted a request to build a house on the property located on Municipal Lane for his wife and himself. Mr. Barr does not want to subdivide this property. There was discussion on whether the current house that is there is being rented out now. Ms. Brown stated there is also another building there that could be rented out but does not know whether it is being rented out or not. The Board discussed restrictions being placed on the deed since Mr. Barr offered to have the house removed after his and his wife's death. Mr. Pisoni suggested the Zoning Officer review it with the solicitor. Mr. Piper stated the Township would need to find out whether the other building is being occupied. The Board discussed whether it would be considered a working farmhand house and that would be okay according to the Ordinance. Mr. Piper stated he would not be breaking the 60 acre restriction. The Board requested staff contact the solicitor and ask her to provide an opinion.

**7. TAX DISCUSSION**

Mr. Piper provided an act that is currently being looked at by the House of Representatives regarding tax breaks for property in a preservation program. Mr. Piper requested the Board review this law if it passes and consider changes to the OSPP Ordinance.

**8. OSPP ADMINISTRATOR POSITION DESCRIPTION**

The Board stated they would like Mr. Piper to calculate the CPI for the leases, provide yearly lease amounts and 20 year advance payment amounts to the Treasurer, provide financial statements, communicate and make sure the applications are being moved along in a timely matter by the solicitor and engineer. Mr. Piper would also be present for yearly inspections and 5 year inspections.

**5. OTHER BUSINESS**

The Board was provided the restrictions for the Spencer/Dreibelbis and WLC properties that will be reviewed at a later meeting.

**6. CITIZEN'S COMMENTS**

There were no citizens comments.

**7. ADJOURMENT**

The meeting was adjourned at 9:45 p.m.

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