

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD
REGULAR MEETING – MINUTES
OCTOBER 14TH, 2009**

1. CALL TO ORDER

Chair Lee Pressler called the meeting to order at 7:03 p.m. Other members present were Ben Pisoni, Andy Merritt, Dennis Thomson, Ron Hoover, Brooks Way (arrived at 7:08) and Bob Eberhart (arrived at 7:30 p.m.). Staff present was 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 October 7th, 2009; Mr. Merritt seconded; Vote 5-0-0; Motion Carried.***

4. 2010 OPSB APPLICATIONS

The Board reviewed the advanced payment option in Ordinance 2008-4 Section 701 c. 1. and discussed whether an applicant can request an advanced payment at a later date if they had not requested one at the time of submission. Mr. Hoover stated there is no problem getting all the applicants into the program and paying the 99 year annual lease but the challenge is getting the applicants in for the 20 advances without having enough money to pay the advance payments. Mr. Hoover stated some of the members of the Open Space Preservation Board volunteered to speak to some of the property owners that requested a twenty year advance to discuss other options. Mr. Way stated he does not think some of the applicants realized the advanced payments would not be made until December of 2010. Mr. Pressler suggested the time to discuss the advanced payments and when the payments are made with the applicants is when the inspections are being completed on their properties. Ms. Smith stated the OSPB has to accept the applications before inspections are completed. Ordinance 2008-4 Section 701 c. 1 states that the OSPB could accept the application for a conservation lease but deny the advanced payment request if there were a shortage of funds. Mr. Merritt stated this section also states that the applicant can apply for an advanced rent payment equal in amount to five, ten, fifteen or twenty years of future rent payments so this opens the door to negotiate with the landowner if necessary to accept 5 year advanced payments for 4 years to equal twenty years. There was discussion whether there was enough funding for 5 or 10 year advanced payments. Mr. Merritt stated that if the applicants knew ahead of time that the Township can not offer them 20 year advanced payments then they may choose to withdraw and not have the inspection completed and submit again next year. Mr. Pisoni stated there may be other applicants next year and they would not be the first in line if they re-submitted. Mr. Hoover stated maybe the best way to explain to the applicant may be if they are really committed to the program then without making any promises at least commit to a percentage for 2010. There was discussion on whether the applicant can come back and request another payment if they receive 5 years before another 5 years has past. Mr. Merritt stated the way he reads this section it opens the door for this agreement. Mr. Pisoni stated if more applicants come in then there is no way to guarantee a third or fourth year payment. The applicant can never receive advances that exceed twenty years. Mr. Pressler stated he thought the Board should review the Wildlife Corridor again since this is what is causing the problem. Mr. Pressler questioned why change something that is working for something that is unknown. Mr. Pisoni stated the Board could discuss this again but the point is there is open space being preserved in the Wildlife Corridor. Mr. Pisoni

stated the Board of Supervisors wants this property in the OSPP and it has been no secret to the OSPB and when the twenty year advances were approved the OSPB know the OSPP could run out of money. There was discussion on whether the OSPP should have run out of money. Mr. Way stated there is always that possibility to run out of money if there is a large amount of acreage requesting an advance. Mr. Pisoni reviewed the figures on his spreadsheet he provided at the last meeting. There was discussion on whether the land rating system is tied to the advanced payment and out of fairness keep it uniform when it comes to the advanced payments. In the case of a shortage of funds offer the same option (whether it is 5 year advances spread out over 4 years) to all applicants. Mr. Way stated it should never be verbally agreed because you never know when properties could devalue and the millage income is decreased. Ms. Brown stated she would need to contact the solicitor to see if the OSPB could provide advanced payments spread out over four years. Mr. Merritt stated the language leaves the door open for the Board to break up the twenty year advance. Mr. Pressler stated they will speak to the property owners at the time of inspection. Mr. Thomson requested the Board approve the conservation lease applications one at a time.

- ***MOTION: Mr. Hoover moved to approve the Brodzina Open Space Preservation Application for 99 year conservation lease – Inspection date of November 7th at 11:30 a.m.; Mr. Thomson seconded; Vote 6-0-0; Motion Carried.***

- ***MOTION: Mr. Merritt moved to approve the Zarkower Open Space Preservation Application for 99 year conservation lease – Inspection date of November 14th at 9:00 a.m.; Mr. Way seconded; Vote 6-0-0; Motion Carried.***

- ***MOTION: Mr. Thomson moved to approve the Hagg Open Space Preservation Application for 99 year conservation lease – Inspection date of November 7th at 9:00 a.m.; Mr. Merritt seconded; Vote 6-0-0; Motion Carried.***

- ***MOTION: Mr. Thomson moved to approve the Nauman/Squier Open Space Preservation Application for 99 year conservation lease – Inspection date of November 7th at 10:00 a.m.; Mr. Hoover seconded; Vote 6-0-0; Motion Carried.***

- ***MOTION: Mr. Way moved to approve the Snyder Open Space Preservation Application for 99 year conservation lease – Inspection date of November 14th at 10:30 a.m.; Mr. Eberhart seconded; Vote 6-0-0; Motion Carried.***

Mr. Pisoni stated this information would need to be provided before the Township budget is completed and approved. Ms. Smith requested the Board speak to the applicants prior to the inspections so the Board would have a feeling of what the applicants would like to do before the next scheduled OSPB meeting and inspection dates. Mr. Way stated he would speak to Mr. Brodzina & Ms. Snyder. Mr. Hoover will speak to Mr. Nauman and Mr. Thomson will speak to Mr. Hagg regarding 20 year advance payment options.

There was discussion on what should be stated to the landowners so everyone is on the same page. Mr. Thomson suggested using the language; the Township budget as it is presently projected is such that it looks as if with the applications in hand contracts could be issued for 5 year advanced payments for all of the applicants. In the event that one or more might find that insufficient than the budget will have to be re-visited and then depending on whether or not some applicants may choose to withdraw then that would determine the extent to which resources would be available for longer term commitments to the five

remaining properties. Mr. Way questioned whether Ordinance 2008-4 could be made available to the property owners.

There was discussion on whether RT Ventures requested an advanced payment. According to the application RT Ventures did not request an advance payment for 2009. Mr. Pressler stated he spoke to Ms. Barto and she is withdrawing her application. Mr. Pisoni will update the spreadsheet.

Mr. Eberhart, Mr. Pisoni, Mr. Thomson and Mr. Pressler are available for inspections on November 7th & 14th, 2009. The Board requested Ms. Smith contact Mr. Hagg and request he meet them at the end of Blackburn Lane for his inspection. Mr. Thomson stated there may be some clean-up issues on the Brodzina property. Mr. Eberhart requested Ms. Smith contact Mr. Hilshey to provide exhibit "E" for the restrictions for the Dreibelbis/Spencer property. Mr. Eberhart requested the restrictions be added to the next agenda.

Mr. Thomson will complete the Brodzina, Hagg and Squier land descriptions after the inspections. Mr. Eberhart will complete the Zarkhower and Snyder land descriptions.

Mr. Pressler discussed the Barr request from the last meeting. Mr. Pisoni stated this request is at the solicitor for review. Ms. Smith stated Ms. Yurchak will provide comments before the next meeting. There was discussion on what type of home will be placed on the property. Ms. Brown stated at the last meeting it was the Board was in consensus that it would not be a problem and within his right.

5. **OTHER BUSINESS**

There was no other business.

6. **CITIZEN'S COMMENTS**

There were no citizen's comments.

7. **ADJOURMENT**

The meeting was adjourned at 8:30 p.m.

- ***MOTION: Mr. Eberhart moved to adjourn the meeting at 8:30 p.m.; Mr. Hoover seconded; Vote 6-0-0; Motion Carried.***