

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD
REGULAR MEETING – MINUTES
APRIL, 18TH, 2012**

1. CALL TO ORDER

Chair Ron Hoover called the meeting to order at 7:02 p.m. Other members present were Bob Eberhart, Ben Pisoni, Joe Tylka, Jerry Brown, and Andy Merritt. Staff present was Amy Smith, OSPB Administrator and Rebekah Seymour, Recording Secretary. No audience present.

2. PLEDGE OF ALLEGIANCE

3. MINUTES

- ***MOTION: Mr. Pisoni moved to approve the minutes of March 21st, 2012; Mr. Tylka seconded; Vote 6-0-0; Motion carried.***

4. 2011 OSPP REPORT

Ms. Smith reviewed the 2011 report with the board briefly. Mr. Pisoni asked if this was done before Sandra Peters application 2011-32 was removed. Ms. Smith stated that it had been. Mr. Tylka asked if the removal was because of a tax lien found during the title search and Mr. Merritt answered yes. Mr. Pisoni stated that the solicitor Ms. Yurchak (not present) had recommended the application be withdrawn so the issues could be addressed and once they were, the application could be resubmitted and the process could be restarted. Mr. Tylka asked if Ms. Yurchak's firm issued a formal letter of their suggestions. Ms. Smith stated that the recommendations were done verbally and that the properties usually had a summary with them as well as the information gathered from the company that does the title search. Mr. Pisoni stated that maybe a title search needed to be done before an application is approved. There was a brief discussion on the Graham/Barr property and how it would bring to light some issues regarding the application process and changes that needed to be made. Mr. Hoover brought the discussion to a close stating that it would be an agenda item at a future meeting. Ms. Smith stated that she would revise the 2011 report to make changes and forward it to the Board of Supervisors.

5. 10% EXCEPTION LANGUAGE

Ms. Smith stated that Mr. Yurchak had provided draft language for two of the paragraphs the OSPB had concerns on regarding the 10% exception language. Ms. Smith read to the board the new language for Section F introductory paragraph. The OSPB all agreed that the language didn't seem grammatically correct and discussed how to modify the language for grammar and also clarify the intentions of the clause. The modified language read as follows; "Landowner may subdivide land leased under the open space preservation program for non-open space uses and this option may be granted at any time during the lease term. This grant may be used more than once with the maximum total land subdivided being not more than 10% of the total land leased."

- **MOTION: Mr. Tylka motioned to forward modified language to Ms. Yurchak from Section F introductory paragraph; Mr. Pisoni seconded; Vote 6-0-0; Motion carried.**

Ms. Smith stated that the language for Section F, paragraph 2, was to provide for repayment of the advance payment if the 10% exception were to be used by the landowner. Ms. Smith clarified that the new language would be added to the language approved by the OSPB at the previous meeting under paragraph 2. Mr. Hoover stated, after reviewing the language that was approved at the last meeting for paragraph 2, it seemed that language was redundant now with the new language provided under Section F introductory paragraph. There was some discussion about the correct wording and grammar of the new language. Mr. Pisoni stated that the suggestion would be to remove it but they would leave it up to Ms. Yurchak.

Mr. Eberhart questioned if this language was referring to paying the entire advance back or only part. Mr. Hoover answered that if the landowner wanted to take out 5 acres as part of the 10% exception and had received an advance then the money for those 5 acres would need to be paid back and that at the end of the lease and there would be no more annual leases paid as the advance payment would be pro-rated. Mr. Brown stated that its possible landowners may change within that time and new owners should be exempt from that because they didn't receive that payment. Mr. Hoover stated that the information should be on the deed and that the new landowner, especially one familiar with the open space program, should know if an advance was paid. Mr. Tylka stated that when the property is sold to a new owner they assume the obligations of that lease and that should be factored into the price of the sale. Mr. Brown suggested maybe the advance should come off the start of the lease. Mr. Hoover stated that it would take away the incentive to join the program of getting the advance and then still receiving annual lease payments on top. Mr. Hoover further stated there needed to be language to cover the pro-rate on the lease for the advance payments. There was discussion on how to modify the suggested language to provide to Ms. Yurchak for review. The modified language read as follows: "Any advance paid under 163-8 relating to the subdivision exception portion shall require a repayment on that portion as a condition to approval under 163 -4 (F)(1). Any advance paid on any property that is still in the program and no longer receiving an annual lease payment shall require a repayment on that portion as a condition to approval under 163-4 (F)(1)."

- **MOTION: Mr. Tylka motioned to forward modified language to Ms. Yurchak from Section F, paragraph 2; Mr. Pisoni seconded; Vote 6-0-0; Motion carried.**

6. OTHER BUSINESS

Ms. Smith stated she provided the Ordinance and Resolution passed by the Board of Supervisors at their last meeting regarding membership. Mr. Hoover clarified that no action was required on this and this was just for their benefit. Ms. Smith briefly went over the decisions made; members went from eight to seven, quorum changed to 4, landowner changed to resident, 4 year staggered terms (with exception of Board of Supervisors and Planning Commission members who are appointed each year), if a board member misses more than 3 consecutive meetings they can be removed, secretary would be replaced by

program administrator and the agreement to delete the section on alternate members. There was discussion about tied votes due to the quorum being an even number now. Mr. Pisoni stated that many times there are more than four people present. Mr. Hoover stated that there had been discussion making it lower but the Board of Supervisors decided after lengthy discussion they would rather have more members and take the chance.

Mr. Brown expressed his displeasure at the Board of Supervisor's decision change the word landowner to resident which now disqualifies him to continue to serve as an OSPB member after the end of his term which will expire December 31, 2012. Mr. Brown also expressed a disinterest in serving for the rest of the year and stated he was not sure if he would continue attending or not. Mr. Hoover sympathized and asked him to reconsider so the board could benefit from his guidance and support.

7. CITIZEN'S COMMENTS

There were no citizen's comments.

8. ADJOURNMENT

The meeting was adjourned at 8:12pm.

- ***MOTION: Mr. Pisoni moved to adjourn the meeting at 8:12pm; Mr. Tylka seconded; Vote 6-0-0; Motion carried.***