

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD
REGULAR MEETING – MINUTES
SEPTEMBER 18th, 2013**

1. CALL TO ORDER

Chair Ron Hoover called the meeting to order at 7:24pm. Other members present were Bob Eberhart, Ben Pisoni (left meeting at 7:39pm and returned at 7:50pm), Joe Tylka and Christine Bracken-Piper (arrived 7:35pm). Staff present was Amy Smith, OSPB Administrator and Rebekah Seymour, Recording Secretary. Audience members present were Kevin Abbey, Land Conservation Manager from Clearwater Conservancy.

2. PLEDGE OF ALLEGIANCE

3. MINUTES

- ***MOTION: Mr. Pisoni moved to approve the meeting minutes of August 21st, 2013 as submitted; Mr. Hoover seconded; Vote 4-0-0; Motion carried.***

4. REVIEW ACQUISITION LANGUAGE

Ms. Smith stated, after last meeting, staff had contacted the county to talk with them about their ordinances and came to the conclusion that the county's is similar but is lengthier than the Township's ordinance and program details change as their board does. Mr. Pisoni stated that one of the concerns that had been brought up at last meeting was that giving specific monetary amounts might falsely guide appraisals and not get Township fair price. Mr. Tylka agreed that getting a fair appraisal is essential and that perhaps, like the county, getting multiple appraisals to help negotiate price might help. Ms. Smith suggested drafting language for the ordinance to require landowner and Township to both acquire appraisals when property is being considered. There was brief discussion about who pays for multiple appraisals in county and how Township could apply that to their own policies/ordinance to help negotiate and decide on final price on property.

Mr. Hoover questioned the fee simple language in the ordinance and stated he thought the Township could not do fee simple. Mr. Eberhart stated that the Township could but the property could only be held for two years. Ms. Smith elaborated stating that the Township could own the property longer than two years if it only held the development rights and worked in conjunction with a conservation organization or land trust who would outright own the property. Mr. Hoover questioned whether it was really worth it to buy a property if it could only be held for two years. There was brief discussion on possible risks of buying property due to restrictions on who the property could be sold to within the two years. Mr. Pisoni stated it might be nice to have the option open if all circumstances were favorable for smooth exchange for land. Mr. Tylka suggested putting a process in the ordinance that would ensure program funding prior to considering a possible land situation that may come into play to make sure Township had money to

cover existing obligations with a small cushion for any new obligations that might arise from acquisition.

- ***MOTION: Mr. Tylka made a motion to eliminate 25% cap subject to a test that would show there is sufficient cash coverage of 2 times the next year's anticipated expenses included but not limited to existing annual rentals, annual rentals to be paid to leases in application, administrative and legal expenses and any other cash requirement as result of the pending fee simple or easement purchase; Mr. Pisoni seconded; Vote 4-1-0; Motion carried. Mr. Hoover is a nay.***

Mr. Tylka re-stated that to help negotiate final price, multiple appraisals should be required and that if two were not within 10% of each other; then a third appraisal should be sought. There was brief discussion about changing per acre monetary cap to tie into county's current cap. Mr. Tylka stated that it might be easier to have the BOS look at number every so often to make sure number is up to date with current economics but the bottom line right now is to get multiple appraisals to help guide a fair price for the Township to lease land. There was brief discussion on who would decide where a third appraisal is solicited from if first two are not close in price and who would pay for the appraisal. Mr. Tylka suggested that perhaps the third appraisal be jointly agreed upon and cost split between landowner and Township to which the board agreed. Mr. Tylka further stated that within the ordinance "Appraised Value" needed to be a clearly defined term. There was brief discussion about language for the definition and the process of requiring multiple appraisals to determine appraised value. Mr. Pisoni also suggested that the 5,000 dollar per acre cap be lowered to 4,000 per acre to match the county's program guidelines.

- ***MOTION: Mr. Hoover made a motion to change language of Section 163-15 A(1)(a) from "Eligible acquisition applications are limited to maximum base purchase price not to exceed \$5,000 per acre, or the appraised value, whichever is less (for use of open space preservations funds)" to "Eligible acquisition applications are limited to maximum base purchase for development rights not to exceed \$4,000 per acre, or the Appraised Value, whichever is less (for use of open space preservations funds)" and to include drafted definition of Appraised Value in ordinance as follows: "The appraised value shall be determined based on the average of two appraisals, one paid for by the property owner and one paid for by the Township. If the higher appraisal is less than 10% greater than the lower appraisal, then the appraised value shall be the average of the two. If the higher appraisal is more than 10% greater than lower appraisal, a third appraisal shall be sought from an agency mutually agreed upon by both parties at shared expense. The appraised value then would be the average of the two closest appraisals"; Mr. Pisoni seconded; Vote 5-0-0; Motion carried.***

5. OTHER BUSINESS

Mr. Eberhart reviewed with the Board the Planning Commission recommendation regarding the Barr Subdivision that was conditionally approved by the Planning

Commission. Mr. Eberhart stated when the potential buyer of the property subdivided wishes to build a house they would need to submit a new subdivision that would be reviewed by the Open Space Preservation Board and the Board of Supervisors.

6. **CITIZEN'S COMMENTS**

There were no citizen's comments.

7. **ADJOURNMENT**

The meeting was adjourned at 9:29pm.

- ***MOTION: Mr. Tylka moved to adjourn the meeting at 9:29pm; Mr. Eberhart seconded; Vote 5-0-0; Motion carried.***