

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD
REGULAR MEETING-MINUTES
NOVEMBER 7th, 2012**

1. CALL TO ORDER

Chair Ron Hoover called the meeting to order at 7:04pm. Other members present were Bob Eberhart, Brooks Way, Joe Tylka and Andy Merritt. Staff present was Susan Steele, Manager, and Rebekah Seymour, Recording Secretary. No audience was present.

2. PLEDGE OF ALLEGIANCE

3. MINUTES

Mr. Tylka contested the clarity of a statement made in the minutes and requested it be re-written as to clarify the meaning. Mr. Hoover suggested the minutes be tabled until the statement could be rewritten. The minutes were tabled until next meeting so statement could be rewritten.

4. DISCUSSION ON LEASE VS. PERMANENT PURCHASE

Ms. Steele stated that the purpose of this discussion is to help guide the Board of Supervisors decisions about the future of the OSPB program structure. Ms. Steele revised the pros table (attached at end) complied so far from OPSB at the last meeting. There was a brief discussion on the current attorney fees. Mr. Hoover expressed concern at being able to finish cleaning up the OSPB code and cleaning up the program when there seems to be conflicting opinions from legal teams coming in about what should or should not be in the lease/ordinance. Ms. Steele stated a possible direction for the program was to get rid of it and keep the properties currently in, ask for a reduction in the milage and just pay for the properties currently there but she wasn't sure that is what anyone wanted. Mr. Merritt stated that a current issue is the original referendum that the citizens voted on stated that this was going to be a purchase program and not a lease program. Ms. Steele stated that legal counsel had told them a 99 year lease would be covered under the language of the referendum and the issue was really would citizens agree that the current program was consistent with what they voted on. Mr. Tylka stated that the vague explanation given by the referendum left it open for citizens to challenge the program because it wasn't what they thought was the original intent.

Ms. Steele stated that the reason the supervisors wanted the OSPB opinion on the pros and cons was that there was no consensus among the board. Mr. Hoover suggested that perhaps the discussion should be put on hold until legal advice can be given about the original language of the referendum. Mr. Way agreed that the program needed cleaned up and that when writing the referendum it would seem that the language was taken right out of Act 153.

Mr. Way stated that the supervisors decided to put the referendum on the ballot and there was originally no one to make the decision about what would be done until the first committee was formed. Ms. Steele stated that this was when the idea of the advances came about. Ms. Steele further stated that the legal team says the referendum language fulfills a legal intent but might not fulfill an ethical intent. Mr. Merritt stated that he wasn't happy about voting on putting in a purchase program and then a lease program was put into place. Ms. Steele stated that the recommendation is going to be about what an expert attorney would receive. Mr. Tylka stated that in the meantime the program would still support the ones they have. There was a discussion on budgeting for legal fees and how it affects the current moratorium placed on the program. There was also a brief discussion on the interpretation of the referendum and if a lease is a purchase.

- ***MOTION: Mr. Eberhart moved to recommend to the Board of Supervisors that before the OSPB discusses more pros and cons of a lease or purchase program that the opinion of an expert attorney of Act 153 of the land conservation program be sought to determine consistency in intent with the present program and to help give guidance for future discussions; Mr. Way seconded; Vote 5-0-0; Motion carried.***

Ms. Steele stated the second recommendation is that the moratorium is scheduled in July 2013 and that the Board of Supervisors entertain the idea of a resolution to not accept any more new clients and new advances to give the OSPB time to get cleaned up. Mr. Hoover asked the staff to investigate more about Act 153.

Mr. Hoover asked if there were any other pros that could be added to the current compiled list to be submitted to the Board of Supervisors. There was brief discussion about pros that were listed for the purchase program, paying present value for land and tax abatement benefits for property owners.

- ***MOTION: Mr. Tylka motioned to forward current pros list for lease/purchase programs to the Board of Supervisors as currently written; Mr. Merritt seconded; Vote 5-0-0; Motion carried.***

5. OTHER BUSINESS

No other business was discussed.

6. CITIZEN'S COMMENTS

There were no citizen's comments.

7. ADJOURNMENT

The meeting was adjourned at 8:29 pm.

- **MOTION: Mr. Merritt moved to adjourn the meeting at 8:29 pm; Mr. Eberhart seconded; Vote 5-0-0; Motion carried.**

Table of Pros for Both Program Options Discussed and Compiled by OSPB

Pros- Lease program	Pros- Purchase program
For a given number of dollars, preserve more acreage per year	Permanently protected from development
NO appraisal needed, saves about \$5,000-\$8,000 per property	Annual payments go towards purchase rather than lease
Less up-front costs- appraisals, engineering	Less annual administrative costs (legal fees, admin costs), more goes toward purchase costs
Funding Safety Net- can be more flexible with township and township can get out if it if financials dictate	Paying present value for land
Hands over bigger chunks of land to tie up while Township comes up with other avenues to preserve open space	More consistent with original referendum intent
	Tax Abatement benefits for property owners