

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD
REGULAR MEETING-MINUTES
JANUARY 18th, 2012**

1. CALL TO ORDER

Chair Ron Hoover called the meeting to order at 7:02pm. Other members present were Bob Eberhart, Joe Tylka, Jerry Brown, Denny Thomson, Ben Pisoni and Andy Merritt. Staff present was Susan Steele, Manager; Amy Smith, OSPB Administrator; and Rebekah Seymour, Minute Recorder. No Audience present.

2. PLEDGE OF ALLEGIANCE

3. MINUTES

There was a discussion about whether certain statements made by board members were taken out of context in the draft January 4th minutes. Mr. Tylka recommended and provided amendments to the minutes. Mr. Brown voiced concern over amending the minutes. Ms. Steele suggested both sets of minutes be provided at the next meeting and voted on at that time. Ms. Steele stated she is recommending the Board begin discussions after a motion and second is made so staff and the public can better determine the direction and recommendations provided in their proper context.

MOTION: Mr. Thomson moved to table the minutes from January 4th, 2012 until revisions could be made per Mr. Tylka's recommendations; Mr. Merritt seconded; Vote 6-1-0; Messrs. Eberhart, yea; Merritt, yea; Tylka, yea; Thomson, yea; Pisoni, yea; Hoover; yea; Brown, nay; No abstentions; Motion carried.

4. MEMBERSHIP

MOTION: Mr. Merritt moved to recommend the Open Space Preservation Board be changed to the Open Space Preservation Advisory Committee; Mr. Tylka seconded;
Discussion: Mr. Thomson questioned if there were any legal ramifications to this name change. Ms. Steele answered that the recommendation had not gone through the solicitor yet so she did not know the answer to that. Mr. Tylka stated that if it doesn't define a difference then why change the title? Mr. Hoover and Mr. Eberhart agreed that it sounded less formal and would be on a "lower level of hierarchy" and that it would make it seem like there was less responsibility. Mr. Hoover called for an end to discussion and a vote on this motion. ***Vote 2-5-0; Messrs. Merritt, yea;***

Tylka, yea; Hoover, nay; Eberhart, nay; Brown, nay; Thomson, nay; Pisoni, nay; No abstentions; Motion not carried.

MOTION: Mr. Merritt moved to change the required number of board members from eight to five; Mr. Thomson seconded;

Discussion: Ms. Steele stated that it was not set in stone that the number of board members be five but it needed to be set at a number where the OSPB felt they could get a consistent quorum. Mr. Thomson stated that when the OSPB was formed there was a large membership for their diverse backgrounds and experience since much of the beginning was mostly “program design” (i.e. writing the ordinance). Mr. Thomson further stated that the needs of the Board of Supervisors seem to be changing in regards to what best serves them. Mr. Thomson expressed an interest in wanting to know what the Board of Supervisors would want or need to get business conducted efficiently.

Mr. Thomson stated that in their past meetings the OSPB had been attempting to sift through the language of the ordinance to make them clearer, such as what defines a resident (i.e. renters). He further stated that the OSPB seemed deficient in diversity (i.e. women) and questioned if having a requirement of active farmers was even legal since it was not clearly defined. There was a short discussion on what constituted an active farmer. Mr. Brown read the definition of an active farmer taken from the dictionary as, “one who operates a farm or is making a living farming.”

Ms. Steele stated that, in answer to Mr. Thomson’s inquiry, that a resident would be someone who voted in the township and was a taxpayer, since the program is tax-funded.

Mr. Tylka stated that the program today is “mature” and that all that is really left to do is clean up documents to best protect the township and the program. Mr. Tylka further stated that the OSPB should focus on managing money, since there is only enough budget to allow 300 more acres in the program and supports the composition be made up of residents. Mr. Pisoni reminded the OSPB that the first decision is to change the number of members than work on the composition. Mr. Pisoni stated that he felt a quorum of 3 seemed low to make decisions. Mr. Merritt explained it was to expedite the business conducted and that was also the same number used for the Board of Supervisors and the Park and Rec. Board. Mr. Brown stated that he wasn’t convinced the OSPB was mature because of the amount of expenses incurred. Mr. Brown further explained that there could be more money down the road and that there was too much money being spent on things

like lawyers and engineering. Mr. Brown argued that the lesser number is not better because more opinions lead to better answers. Mr. Hoover stated he was not in favor of a lower number because he believed it to be a “maturing” program, not a mature one. Mr. Hoover further stated that the OSPB is bringing in about \$140,000, not a trivial number, that needs managed well and a lower number could also lower the effective managing of that money. Mr. Pisoni stated that he would be comfortable lowering the required number to seven board members. Mr. Hoover called for the discussion to end and a vote. **Vote 2-5-0; Messrs. Merritt, yea; Tylka, yea; Hoover, nay; Eberhart, nay; Brown, nay; Thomson, nay; Pisoni, nay; No abstentions; Motion not carried.**

MOTION: Mr. Thomson moved to change the required number of board members from eight to seven; Mr. Pisoni seconded; No discussion held; Vote 5-2-0; Messrs. Brown, yea; Hoover, yea; Pisoni, yea; Eberhart, yea; Thomson, yea; Merritt, nay; Tylka, nay; No abstentions; Motion carried.

MOTION: Mr. Merritt moved to change the word landowner to resident under the membership requirement stating how the Board would shall be comprised; Mr. Tylka seconded;

Discussion: Ms. Steele stated that in the original ordinance the word “resident” was used and then in December 2003, there was a need to change the requirement from resident to landowner. Ms. Steele stated that it was questioned as to why it was being changed by the attorneys assisting at the time and there had been agreement amongst them that there were concerns with the change. Ms. Steele stated three attorneys had concerns with this language. Mr. Brown questioned the difference since every landowner is a resident. Mr. Merritt stated that there were renters as well in the community that were considered residents. Mr. Hoover stated that this change would open up board membership to those renters. Mr. Tylka stated that OSPB needed to think about the future, not just now, since there could be a lot of renter residents in the coming years. Mr. Hoover called for the discussion to end and a vote. **Vote 6-1-0; Messrs. Merritt, yea; Hoover, yea; Pisoni, yea; Eberhart, yea; Thomson, yea; Tylka, yea; Brown, nay; No abstentions; Motion carried.**

There was brief discussion about composition of board and if certain members from other boards be given voting rights. Mr. Brown brought to the board’s attention that he could no longer be a part of the OSPB because he was not a Halfmoon Township resident. Some OSPB members stated they were unaware of this.

MOTION: Mr. Pisoni moved to rescind the earlier motion to change the board membership requirement from landowner to resident; Mr. Thomson seconded; Discussion: Mr. Merritt stated that since the OSPB is a township board, they would want residents to decide where taxpayer's money is spent. Mr. Merritt further stated that a resident of another township couldn't be on any other board. Mr. Hoover stated that having the requirement be landowner has served the OSPB for years and that perhaps it should read both landowners and residents. Mr. Tylka stated that would open the door for developers to serve on the Board. Mr. Hoover stated he appreciated where Mr. Tylka was coming from but suggested working out that issue during the composition discussion. Mr. Hoover called for an end to discussion and a vote. **Vote 4-3-0; Messrs. Hoover, yea; Pisoni, yea; Eberhart, yea; Brown, yea; Thomson, nay; Merritt, nay; Tylka, nay; No abstentions; Motion rescinded.**

MOTION: Mr. Pisoni moved to change the membership requirement from landowners to landowners/residents; Mr. Thomson seconded; No discussion held; Vote 4-2-1; Messrs. Hoover, yea; Pisoni, yea; Eberhart, yea; Brown, yea; Merritt, nay, Tylka, nay; Thomson abstained; Motion carried.

MOTION: Mr. Thomson moved to list the composition of board members be one Planning Commission member, one Board of Supervisor member, and five landowners/residents; Mr. Pisoni seconded; Discussion: Mr. Hoover suggested 2 members having properties large enough for the program (1 full-time farmer, 1 current lease-holder), 1 not eligible for program and 2 that could be anybody. Ms. Steele stated that her concern is there are not a lot of full-time farmers anymore. Ms. Smith suggested instead of using the word "farmer" the language could just state that the members shall be "someone who engages in agricultural activity". Ms. Steele stated she has concern regarding the "farming" constriction. Mr. Merritt stated that if the membership is open to anyone then those interested would have the opportunity to be on the OSPB. **Vote 5-2-0; Messrs. Hoover, yea; Pisoni, yea; Eberhart, yea; Brown, yea; Thomson, yea; Merritt, nay; Tylka, nay; No abstentions; Motion carried.**

MOTION: Mr. Pisoni motioned to have the composition of the five landowner/residents be kept open to any landowner/resident. Mr. Merritt seconded; Discussion: Mr. Eberhart suggested a seat be given to a current leaseholder. Mr.

Hoover called for a vote. **Vote 3-4-0; Messrs. Merritt, yea; Pisoni, yea; Tylka, yea; Brown, nay; Thomson, nay; Hoover, nay; Eberhart, nay; No abstentions; Motion not carried.**

MOTION: Mr. Thomson moved to require the composition of the five landowners to be; 1 leaseholder, 1 member engaged in agricultural activities and three to be anyone interested. Mr. Pisoni seconded; No discussion held; Vote 5-2-0; Messrs. Hoover, yea; Pisoni, yea; Eberhart, yea; Thomson, yea; Brown, yea; Tylka, nay; Merritt, nay; No abstentions; Motion carried.

MOTION: Mr. Thomson moved to require a four year staggered term limit with no more than two terms served successively; Mr. Pisoni seconded; Discussion: Mr. Thomson explained that a board member could serve eight years take a year or two off and come back under this rule. Mr. Hoover stated favoring no term limits because there isn't always a better appointment to the board available. Mr. Hoover called for discussion to end and a vote. **Vote 2-5-0; Messrs. Thomson, yea; Pisoni, yea; Eberhart, nay; Hoover, nay; Brown, nay; Tylka, nay; Merritt, nay; No abstentions; Motion not carried.**

MOTION: Mr. Hoover motioned to require a four year staggered term with no term limits; Mr. Tylka seconded; No discussion held; Vote 7-0-0; Motion carried.

MOTION: Mr. Hoover moved to add to the membership clause that if a board member misses more than 3 consecutive meetings they may be replaced with another eligible member; Mr. Tylka seconded; Discussion: Ms. Steele clarified that there would be exceptions to this clause such as, excused absences. Mr. Hoover called for a vote. **Vote 4-3-0; Messrs. Thomson, yea; Pisoni, yea; Eberhart, yea; Brown, yea; Hoover, nay; Tylka, nay; Merritt, nay; No abstentions; Motion carried.**

MOTION: Mr. Hoover moved to strike the alternate member clause from the ordinance; Mr. Pisoni seconded; Discussion: Mr. Eberhart stated that the OSPB has needed alternate members many times to meet. Mr. Hoover stated that an alternate member can't vote or would not feel comfortable voting on issues they haven't heard. Ms. Steele stated that the alternate member would not be needed in the future because of the changes being made now. Mr. Hoover called for a vote. **Vote 6-1-0; Messrs. Hoover, yea; Tylka, yea; Brown, yea; Thomson, yea; Merritt, yea; Pisoni, yea; Eberhart, nay; No abstentions; Motion carried.**

5. SPECIAL ANNOUNCEMENT

Mr. Thomson requested to read the following statement he had prepared beforehand:

"Since I was appointed in August, 2000 as one of the "founding" members of the Open Space Preservation Board, service on it has been challenging, enjoyable and rewarding. As are other members of the board, I'm truly pleased that so much has been accomplished and I am especially proud that so much of our township's land has been enrolled in the open space protected status.

Now, however, for a number of reasons I feel that it is timely and appropriate for me to "retire" and have my seat on the board passed on to another community resident. Perhaps, it is worthwhile for me to explain my decision.

First, I firmly believe that appointments to the board should not be open ended, as was mine, but rather for a term(s) of specified length and for no more than two sequentially. To facilitate that potential change in board structure and operation, I believe it appropriate that I lead by example and conclude my service with the nearly 12 years I've completed.

During the coming months I expect that much of the Board's attention will be devoted to matters of policy and language currently written in the enabling open space ordinance and lease contracts. Because a number of these issues exist as a result of having been raised by Joan and myself (and our attorney) during two different rounds of contract negotiations (And with both rounds having been regrettably terminated.), I feel I am in a position of real "conflict-of-interest." Thus, I would have to recuse myself from a number, if not most, of these forthcoming meetings.

There is no need for me here to venture specifically into those topical areas. However, I believe the decisions to be made will substantially influence continued potential success of the program and, thus, a full board membership should be leading these efforts.

As I pass my "baton," I would like to express my sincere thanks to each and every fellow past and present member of the board and to all of the township staff who have so conscientiously and capably facilitated the board's work. It's been a great journey that I've had the privilege to share with you.

With some sadness and regrets--but best wishes for continued success,

Dennis (Denny) W. Thomson”

The OSPB members expressed their regret at hearing this decision and that he would be missed. The board members also thanked him for the years he served on the board. Mr. Hoover stated that he believed Mr. Thomson deserved to be recognized for his years of service.

MOTION: Mr. Hoover moved to recommend to the Board of Supervisors that Mr. Thomson be recognized for his years of service on the OSPB; Mr. Pisoni seconded; Vote 6-0-1; Messrs. Hoover, yea; Pisoni, yea; Eberhart, yea; Brown, yea; Merritt, yea; Tylka, yea; Thomson abstained; Motion carried.

6. OTHER BUSINESS

Ms. Steele mentioned the Planning Commission had reviewed the three open applications for recommendation to the Board of Supervisors. Ms. Steele stated one of the properties owned by Ms. Podgurski brought about discussion regarding approximately 10-13 acres being in the Village Zoning District. The Planning Commission requested Ms. Smith contact Ms. Podgurski to inquire whether she was aware of this and if this changed her decision to enter this property into the program in its entirety. Ms. Smith stated she contacted Ms. Podgurski via email twice and followed up with a phone call (left message) but has not heard a response. Ms. Steele stated the Planning Commission is considering possibly not recommending the 10-13 acres for inclusion due to the allowance of commercial build out in this area but would like to hear from Ms. Podgurski. Ms. Steele stated the Planning Commission will take this issue up at their next meeting for possible recommendation.

7. CITIZEN'S COMMENTS

There were no citizen's comments.

8. ADJOURNMENT

The meeting was adjourned at 10:08pm.

- ***MOTION: Mr. Pisoni moved to adjourn the meeting at 10:08pm; Mr. Merritt seconded; Vote 7-0-0; Motion carried.***