

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD  
REGULAR MEETING – MINUTES  
January 28th, 2009**

**1. CALL TO ORDER**

Chair Lee Pressler called the meeting to order at 7:05 p.m. Other members present were Bob Eberhart, Ben Pisoni, Jerry Brown, Ron Hoover, Dennis Thomson and Brooks Way (arrived at 7:12 p.m.). Staff present was Greg Love & Karen Brown. There were no residents present.

**2. MINUTES**

- ***MOTION: Mr. Pisoni moved to approve the re-organization minutes of January 7<sup>th</sup>, 2009; Mr. Brown seconded; Vote 6-0-0; Motion Carried.***

**3. MEETING SCHEDULE**

- ***MOTION: Mr. Eberhart moved to follow the meeting schedule; the first & fourth Wednesdays at 7:00 p.m.; February 4<sup>th</sup> & 25<sup>th</sup>, March 4<sup>th</sup> & 25<sup>th</sup>, April 1<sup>st</sup> & 22<sup>nd</sup>, May 6<sup>th</sup> & 27<sup>th</sup>, June 3<sup>rd</sup> & 24<sup>th</sup>, July 1<sup>st</sup> & 22<sup>nd</sup>, August 5<sup>th</sup> & 26<sup>th</sup>, September 2<sup>nd</sup> & 23<sup>rd</sup>, October 7<sup>th</sup> & 28<sup>th</sup>, November 4<sup>th</sup> & 18<sup>th</sup> and December 2<sup>nd</sup> & 16<sup>th</sup>, 2009; Mr. Pisoni seconded; Vote 6-0-0; Motion Carried.***

**4. LAND RATING REVIEWS**

**A. DENNIS & JOAN THOMSON**

Mr. Pressler stated the land rating was reviewed at the January 7<sup>th</sup> meeting but the Board did not review the site inspection report submitted by Mr. Hoover. Mr. Hoover stated this report is based on a site inspection that was completed five years ago and the inspection that was just done this past November. Mr. Hoover stated the property was clean and did not warrant a re-inspection. Mr. Eberhart questioned whether there was enough money in the Open Space Preservation account to cover all of the present applications. Mr. Love stated there was enough money available. Mr. & Mrs. Thomson are not requesting a twenty year advance. Mr. Love stated this application is contingent on the re-plot of this property or it will revert back to the five separate lots. Mr. Thomson stated he calls Mr. Heary and Mr. Piper every week and they have assured him they are almost completed with the consolidation plan. Mr. Thomson discussed map dimensions and contours. Mr. Thomson stated there will be about 11 acres that will be subtracted from the 600 acres. Mr. Thomson stated the existing improvements narrative should read: The property once consolidation is completed includes two single family and one older (circa 1870) large duplex farmhouse. Mr. Hoover stated he would change the narrative to read: The property, after consolidation, will include two single family and one older (circa 1870) large duplex farmhouse. Mr. Thomson requested Mr. Hoover remove the narrative regarding the 19<sup>th</sup> century bankbarn because it no longer exists and there are four, not five, newer farm machinery and commodity storage sheds. Mr. Hoover will update the narrative. Mr. Thomson stated the small half acre lot included in the narrative should read that it is independently owned. Mr. Eberhart questioned when the public hearing will be held for this application. Mr. Eberhart stated the Open Space Preservation Board would like to have the consolidation plan before this application moves forward and since there is a deadline for when this application. There was discussion on setting a deadline for surveyors for completion of the consolidation plan. There was discussion on the timeline of completing the reviews, recommendations and public hearings. Mr. Love stated the Board of Supervisors can act on any four of the application beginning February 1<sup>st</sup>, 2009. Mr. Pressler questioned how the Board of Supervisors could act upon this application when the consolidation has not been completed. Mr. Love stated the Board of Supervisor would hold a public hearing and can

accept the property and make an offer of “x” amount of dollars for 600 acres and then Mr. Thomson will have to submit the consolidation plan. Mr. Love stated the plan has to be submitted and approved, new deeds wrote and executed by the last meeting in December of 2009. Mr. Thomson questioned whether the Board of Supervisors could take action on a good faith basis. Mr. Love stated there is an offer made around March or April. Mr. Pisoni stated there would not be a public hearing unless everything is completed. Mr. Love stated the property is approved as five separate parcels. Mr. Eberhart stated that is not the way the application was submitted. Mr. Love stated at current there are five separate parcels. Mr. Pisoni questioned whether the Board would have to hold another public hearing when the consolidation was completed. Mr. Love stated the Board of Supervisors is only approving the applicants and the block of land. Mr. Love stated the actual completed documents come after the public hearing and they will be completed from 6-9 months after the public hearing. Mr. Thomson stated five separate deeds were submitted but there is currently not a deed for the consolidation. Mr. Thomson stated he would like to avoid criticism directed at the Open Space Preservation Board or the Board of Supervisors. Mr. Love stated in the end it is still accepted for 600 acres. Mr. Love discussed title searches and deeds. Mr. Pressler stated this application is tentatively approved until the consolidation plan has been submitted and approved. Mr. Pisoni stated this application should not be approved until the consolidation is complete. Mr. Love stated everything has to be completed by December 15<sup>th</sup> for this application to be approved as submitted. Mr. Eberhart stated the Planning Commission has already approved this application depending upon the Open Space Preservation Board approval.

- ***MOTION: Mr. Pisoni moved to forward this application to the Board of Supervisors for Public Hearing; Mr. Way seconded; Vote 5-0-2; Messrs. Pisoni, yea; Way, yea; Pressler, yea; Hoover, yea; Eberhart, yea; No Nays; Messrs. Thomson & Brown abstaining; Motion Carried.***

#### **B. GERALD & SHIRLEY BROWN**

Mr. Thomson stated he drafted the description for this property. The description was not available for this meeting. This application was tabled until the description is available.

#### **C. FREDA M. BARTO**

Mr. Thomson drafted the description for this property but was not available for this meeting. This application was tabled until the description is available.

#### **D. RT VENTURES**

Mr. Thomson drafted the description for this property but was not available for this meeting and was tabled until the next meeting. Mr. Pressler stated this property needs a current deed and the establishment of a legal right-of-way. Mr. Eberhart stated this property also needs to be subdivided. There was discussion on deeds and legal descriptions. Mr. Pressler stated this information should have been provided before December 31<sup>st</sup>, 2008 and does not feel comfortable forwarding it to the Board of Supervisors without a deed. Mr. Brown discussed the discrepancies in legal description. Mr. Eberhart stated the Open Space Preservation Board should understand how the wildlife corridor is going to work and the arrangements between Clearwater, Berkobin and Dreibelbis & Spencer. Mr. Thomson stated he only wrote the description of the property that is going into the 99 year lease program and not the wildlife corridor. Mr. Pisoni stated he approached the Board of Supervisors about the Open Space Preservation Board reviewing the information Clearwater Conservancy submits before the Board of Supervisors approves paying any monies and the Board agreed. Mr. Love stated Clearwater Conservancy requested the building footprint areas be mapped out on the 66 acres. Mr. Love stated the restrictions are no fencing that would restrict wildlife, work out a five

year lease for crop rotation on the four acres between the creek and the road and the building footprint area be mapped. Mr. Pressler stated that since the property is over 60 acres they have the option of taking 10% off of that property. Mr. Love stated they want to eliminate that option. Mr. Pressler questioned who wants to eliminate that option. Mr. Love stated the Ordinance states that the property owner has to own 100 acres before they can take 10% off of 60 acres. Mr. Love stated the restriction clause states the property owner can take 10% off of the sixty acres in the tract but there is a requirement in the Ordinance that states you have to have at least 100 acres to do so. Mr. Pressler stated he did not understand the 10% clause that way. Mr. Love stated that was Ms. Yurchak's interpretation of the Ordinance. Mr. Love stated no parcel can be subdivided unless it has ten acres minimum. Mr. Love stated if you have 66 acres and take 10% off then it is 6.6 acres and does not equal ten acres so it can not be done. Mr. Pisoni questioned why they could not take the 6.6 acres as the 10%. Mr. Love stated there is a ten acre minimum. Mr. Love referred to the Ordinance. Mr. Love explained the applicant can take 10% off for every 60 acres that is included that is over 100 acres. Mr. Way explained an example: 550 acres are submitted then 50 acres can be taken out but in 10 acre lots. There was discussion on the interpretation of this clause. The Board expressed concerns that they do not have enough information. Mr. Pisoni stated the Board of Supervisors did not know any more information than the Open Space Preservation Board. Mr. Eberhart stated he spoke with Mr. Hilshey and he agreed to come speak to the Open Space Preservation Board. Mr. Pressler and Mr. Brown commented that if he is not willing to give information on the costs than there is no point in having him attend the meeting until he can. Mr. Love stated that information is not completed yet. Mr. Pressler stated the Board should know the restrictions. Mr. Love stated that will be provided in the baseline document. There was discussion on the document process of purchasing the easement and restrictions. Mr. Hoover stated the Open Space Preservation Board should not get excited about getting something done with this application until the Board of Supervisors have received information since they agreed to allow the Open Space Preservation Board to review the information before a vote is made by the Board of Supervisors. Ms. Brown stated at the meeting between Mr. Hilshey, Mr. Dreibelbis and Ms. Spencer restrictions were discussed and Mr. Dreibelbis and Ms. Spencer did not agree with the restrictions and that is the last discussion they have heard on this matter. Mr. Love stated this has been going back and forth for months and until there is something in writing the Board will not know anything for sure.

- ***MOTION: Mr. Hoover moved to table the Brown, Barto & Berkobin applications to the next meeting; Mr. Eberhart seconded; Vote 5-0-2; Messrs. Pisoni, yea; Way, yea; Pressler, yea; Hoover, yea; Eberhart, yea; No Nays; Messrs. Thomson & Brown abstaining Motion Carried.***

Mr. Hoover stated if Mr. Hilshey can provide information than he supports the invitation but if there are more questions than answers than he would like to wait until he can provide answers. Mr. Pisoni stated he would like Mr. Hilshey present so he can understand the Open Space Preservation Boards concerns.

- ***MOTION: Mr. Eberhart moved to invite Mr. Hilshey to the next OPSB meeting on February 4<sup>th</sup>, 2009; Mr. Hoover seconded; Vote 5-1-1; Messrs. Eberhart, yea; Thomson, yea; Way, yea; Pisoni, yea; Hoover, yea; Mr. Pressler, nay; Mr. Brown, abstention; Motion Carried.***

Mr. Eberhart will invite Mr. Hilshey to the next meeting. Mr. Pisoni suggested having clarification of the section of the 10% clause added to the agenda for discussion.

## **5. 5 YR. REVIEW ORDINANCE**

Mr. Eberhart reviewed the changes he made regarding conservation leases and conservation easements or fee simple purchase and financial information. Mr. Hoover stated he supported the draft document. Mr. Pressler stated he would like the chart included in the five year review. Mr. Hoover stated he thought 4.c. covered the information Mr. Pressler would like included. Mr. Pressler stated the chart should be completed every year.

- ***MOTION: Mr. Thomson moved to forward the 5 Yr. review draft Ordinance to the Planning Commission; Mr. Pisoni seconded; Vote 6-0-0; Motion Carried.***

Mr. Pressler stated he did not think everything needed to be sent to the Planning Commission. Mr. Love explained by law the Planning Commission has to review anything completed by an Ad Hoc Committee.

Mr. Way stated he would not be attending the next meeting.

## **6. PALTA GOVERNMENT LEADERSHIP AWARD**

Mr. Way stated Mr. Eberhart did a good job on the narrative. Mr. Eberhart explained this application is different because of the addition of the purchasing easements and fee simple purchases. Mr. Eberhart stated he also included numbers provided by Ms. Brown. Mr. Eberhart stated he attended the last BOS meeting and they approved the application dependent upon the OSPB approving it.

- ***MOTION: Mr. Way moved to submit the PALTA Government Leadership Award; Mr. Thomson seconded; Vote 6-0-0; Motion Carried.***

Ms. Brown stated the census number was transposed and needed to be changed to 2357. Mr. Thomson questioned whether there was someone the Board could ask that has more experience to see if there is something that could be added to make it the most effective in applying for this award. Mr. Love stated the BOS approved the rate for OSPP applications for 2009 at their last meeting. There was discussion on the RVD fee in lieu of amount.

## **7. CITIZENS COMMENTS**

There were no citizen comments.

## **8. OTHER BUSINESS**

There was no other business before the board.

Adjourned at 9:00 p.m.

Respectfully Submitted,