

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD
REGULAR MEETING-MINUTES
SEPTEMBER 2, 2020**

1. CALL TO ORDER

Chair Lorin Nauman called the meeting to order at 7:04pm (present at Community Center). Other members present were Christine Bracken-Piper (present at Community Center), Patti Hartle (present by Zoom), Reed Moyer (present by Zoom), Jim Smith (present by Zoom) and Ron Hoover (present by Zoom). Staff present was Denise Gembusia, Township Manager (present at Community Center), Amy Smith, OSPB Administrator (present by Zoom), Jeff Stover, Township Solicitor (present at Community Center) and Rebekah Laird, Recording Secretary (present by Zoom).

2. PLEDGE OF ALLEGIANCE

3. CITIZEN'S COMMENTS

There were no citizen's comments.

4. MINUTES

- ***MOTION: Mr. Moyer moved to approve the meeting minutes of May 6th, 2020 as submitted; Mr. Hoover seconded; Mr. Moyer questioned the status of the Township working with the County for the Fisher property; Ms. Gembusia explained that Ms. Fisher wished to put her property into a preservation program and decided she could at the very least get her properties into the 99-year lease preservation program since the county program is a longer process; Vote 6-0-0; Motion carried.***

5. PERMANENT PURCHASE OPTIONS AND DETERMINATIONS

Ms. Gembusia stated she would like the Board to discuss how they might go about determining which properties they would like to pursue for permanent purchase and how to find out the general interest from the landowners if they would like to pursue a permanent purchase. The OSPB discussed using the new rating scale approved by Board of Supervisors in May of 2020 to work on ranking all properties currently in program. Ms. Gembusia questioned the board if they would want to rank all the properties or just those who showed an interest. The board discussed and came to an agreement that it might be worthwhile to have them all ranked, just as long as they leave out the questions pertaining to funding, as funding is currently uncertain for any entity. The board also discussed that it might take a follow up to landowners to gain a response on interest and having all ranked allows them to be prepared.

Ms. Gembusia asked the Board if they wanted to spread the rankings of the 28 properties already in the program over 4 meetings so the rating and ranking is complete by the New Year. Once in the New Year, they can discuss possible funding options to pursue permanent easement purchases. The OSPB discussed plans on how to review the properties in the program and came to decision that they would test the rating scale on a selection of properties with different attributes such as size of property or geographical

location. Ms. Gembusia stated that staff would work through the concrete information on the rating scale for the properties and bring them to the OSPB to complete two points that required subjective ratings to discuss. Mr. Nauman suggested that the Fisher property be a top priority to be considered for permanent easement purchase since she the first landowner interested in the option.

6. DISCUSSION ON WAYS FOR LESEES TO EXIT PROGRAM PER LAW VS. WHAT IS IN ORDINANCE

Ms. Gembusia stated that they were recently approached by a landowner who had purchased a property that is in the OSP program and had interest in finding out details of how to get the property out of the program. Mrs. Gembusia further stated that in the ordinance the only mechanisms she saw available were if there was a financial hardship for the landowner or if it was decided the land was no longer suitable or desirable, but nothing that stated there couldn't be a mutual agreement to leave. Ms. Hartle questioned if the landowner knew before he purchased the property that it was in a preservation program. Ms. Smith replied that they were aware and she had talked to them several times prior to the closing on the property. Ms. Hartle stated that if the landowner was aware before purchasing the property, they should not have an easy way out to leave the program. Mr. Stover stated that in order for the property to be released from the program the landowner would have to petition the Board of Supervisors and they would have to determine that it was in the best interest of the program for the property to be released. Mr. Stover further stated that it would then have to go to the electorate for a vote in the general election and be passed there as well and landowner would need to pay back all the funds paid to property both currently and from prior ownership. Mr. Nauman questioned whether the landowner could seek legal recourse. Mr. Stover stated that the landowner could try to seek legal recourse if the Board of Supervisors did not agree to the release or if it was voted down for the release. Mr. Stover referenced the PA Code in Section 5010 and Title 32 stating that this was the original Act for State and County to purchase development easements and also spells out release process. Mr. Stover explained that Act 153 only made it available for municipalities to lease and purchase development easements. The Board was not in favor of discussing mechanisms for landowners to use to get out of a lease outside of the mechanisms already in place. Ms. Gembusia stated she would request that the landowner as a courtesy, attend an Open Space Preservation Board meeting to discuss their intent in pursuing the release of their lease. This will give the OSPB an opportunity to discuss the process to them that is outlined in the PA Code before they approach the Board of Supervisors.

7. UPCOMING INSPECTION SCHEDULE

The OSPB discussed what dates would be best and came to the decision to split inspections over two Saturdays, October 10th and October 17th with October 24th as a rain date. The board members then discussed best practices for completing the inspections due to current COVID-19 guidelines. Ms. Gembusia stated she would reach out to the landowners through both a standard letter and/or email them of the inspection dates and

times and also asking if they want those performing the inspection to wear Biosecurity booties and also if there could be a sanitization station available for staff.

8. OTHER BUSINESS

There was no other business.

9. ADJOURNMENT

The meeting was adjourned at 8:16pm.

- ***MOTION: Ms. Bracken-Piper moved to adjourn the meeting at 8:16pm; Mr. Hoover seconded; Vote 6-0-0; Motion carried.***