

**HALFMOON TOWNSHIP OPEN SPACE PRESERVATION BOARD
REGULAR MEETING-MINUTES
FEBRUARY 6, 2019**

1. CALL TO ORDER

Chair Lorin Nauman called the meeting to order at 7:03pm. Other members present were Christine Bracken-Piper, Jim Smith, Joe Tylka and Patti Hartle. Staff present was Amy Smith, OSPB Administrator, Jeff Stover, Township Solicitor and Rebekah Laird, Recording Secretary. Audience present was Galen Mellott, Lloyd Mellott and Joanne Fisher.

2. PLEDGE OF ALLEGIANCE

3. MINUTES

- *MOTION: Mr. Tylka moved to approve the meeting minutes of January 9, 2019 as submitted; Ms. Hartle seconded; Vote 5-0-0; Motion carried.*

4. PRESENTATION BY TOWNSHIP SOLICITOR

Mr. Nauman introduced Mr. Stover and reviewed for audience what questions would be addressed by him that had been raised by staff and discussed with the OSPB at a previous meeting.

Provision to allow lease to be changed to permanent conservation easement- what needs to be done to the code to allow change

Mr. Stover stated that the code does provide for the option of a purchase but only when the lease is terminated early. Mr. Stover stated that there would need to be a reason as to why the lease was being terminated and currently there is no provision to go straight to a fee simple purchase without skipping this step. Mr. Stover stated that if the lease was terminated early then the landowner would be able to give the township a chance to purchase the land. There was discussion on how a purchase price could be negotiated for a property and what formula could be developed for a purchase. The OSPB and Mr. Stover discussed possibly starting with the appraised value of the property and then subtracting lease or advance payments if desired to factor into the purchase price. Mr. Nauman asked who would pay costs associated with this and there was a brief discussion to which Mr. Stover stated that in a real estate transaction the seller (or in this case the landowner) would usually pay those costs. Mr. Tylka asked if they came up with formulas for purchase and other changes could Mr. Stover make the necessary changes to which Mr. Stover said he could. There was also a brief discussion about how a new rating system would affect present properties and termination policy that would need to be written in.

Cap for fee simple acquisitions but none for permanent conservation easements

Mr. Stover will provide language recommendations.

Partnering funding

Mr. Tylka asked that with a possible millage decrease how would it affect being able to provide funding to a partner with the OSPP program such as what had been done with the County and the Thompson property, in particular in relation to landowners applying for

advances. Mr. Stover stated that as long as obligations of the lease are met the code states that paying an advance is subject to discretion of the BOS, so an advance payment does not have to be approved if the BOS wants to give priority to funding to partner with County or other partners.

Transfer of ownership

Mr. Stover stated that within the code and lease agreement that a landowner must notify the township of a possible transfer of ownership in writing but they do have to gain the township's approval to make the transfer. There was a brief discussion on past situations where the township was not notified of an ownership transfer and if there was a way that a reminder can be sent to current leaseholders that the township needs to be informed. Mr. Stover stated that he did not see any issue with sending out the reminder and possibly bolding it within the lease agreement.

How to handle partial applications-example Fisher property

Ms. Fisher stated she had been told to put in applications to both the County program and the Open Space Program as she had tillable acres and woodland that she wants to preserve. The OSPB asked Mr. Stover when does it start to be considered "double dipping" if they apply to two programs. Mr. Stover stated that he saw no issue in a landowner putting applications into multiple programs as long as the same land is not going to be preserved by multiple programs and as long as the landowner does not mind the application being pending until they receive answers from all programs with pending applications. There was a brief discussion on landowners being able to apply to multiple programs and splitting land between programs applied to and writing code language to reflect that.

Mr. Stover stated that he did notice that lease agreement language is not always consistent with the code and that it should be revised to be consistent. Mr. Nauman asked if the OSPB should form a work committee to do that or have Mr. Stover complete it. Ms. Smith stated that it would be best to have Mr. Stover do so. Ms. Hartle suggested that if they will be working on code language perhaps there should be some wording that addresses not only if a landowner wants to put the property in a permanent easement but also if they may want to donate the property (or portion of) as the Thompsons had done with some of their land. There was brief discussion about some unclear language in the code that could be revised for clarification in the future as well.

5. OTHER BUSINESS

There was no other business.

6. CITIZEN'S COMMENTS

There were no citizen's comments.

7. ADJOURNMENT

The meeting was adjourned at 8:23pm.

- ***MOTION: Mr. Tylka moved to adjourn the meeting at 8:23pm; Ms. Bracken-Piper seconded; Vote 5-0-0; Motion carried.***