

**HALFMOON TOWNSHIP
OPEN SPACE PRESERVATION BOARD MEETING
MINUTES
MARCH 13, 2024**

1. CALL TO ORDER

Ms. Hartle, Vice-Chair, called the meeting to order at 7:00pm.

In attendance at the meeting were Patti Hartle, Jim Smith, Chris Bracken-Piper, Ron Hoover, Joanne Fisher, George Stine, Amy Smith; township clerk, and Meagan Beck; recording secretary.

Others in attendance: Kacee Burke; citizen, Rivka Wolin & Cady Barcak; Centre Documenters; and Danny Brumbaugh; Clearwater Conservancy.

2. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

3. CITIZEN'S COMMENTS

None

4. APPROVAL OF MINUTES

- *Mr. Hoover moved to approve the minutes from the February 14, 2024 Joint Open Space Preservation Board and Board of Supervisors meeting. Ms. Bracken-Piper seconded the motion. All are in favor; motion carried.*

5. REVIEW OPEN SPACE PRESERVATION ORDINANCE – RECREATION REFERENCES

Ms. Hartle explained the Open Space Preservation ordinance contains references to recreational uses for open land, but it has never been applicable to the program, and the board needs to decide to either remove these references or keep them in the ordinance.

Mr. Hoover asked if the recreational references were in the ordinance when the Barrens Corridor property was being preserved because there is a hiking trail on that property.

Ms. Hartle questions, as well, if the recreational references would have interfered with the Township's involvement in that property preservation.

Ms. Bracken-Piper responded saying it wouldn't have made a difference because the main use of the Barrens Corridor property wasn't recreation.

Mr. Smith added that he recalls recreation being added into the ordinance to assist the township with purchasing park land.

Mr. Hoover asked Ms. Smith if the recreational references were added to the ordinance within the last 15 to 20 years.

Ms. Smith stated that the original ordinance also contained recreation references.

Mr. Hoover suggested that maybe when the original board was drafting the ordinance, they included language that was very broad to cover all the potential within the program. He agreed that it doesn't need to be included still. He went on to say that if the township were to want to purchase land for another park, it wouldn't matter because the township would own the land outright, not just the developmental rights.

Mr. Smith disagreed, saying that owning the development rights could potentially make the value of the property less and therefore allow the purchase of the property to be cheaper.

Ms. Bracken-Piper also disagreed by saying that it has been found that owning the development rights makes a property more valuable.

Mr. Hoover clarified by saying that a property becomes more valuable this way because in a development there will be fewer extra structures on a given property.

Mr. Smith asks if the program is backwards, and it is actually raising costs of land in the township.

Ms. Bracken-Piper noted that the solicitor might request the language be kept in the ordinance.

- ***Mr. Hoover moved to recommend removing references to recreation in the Open Space Preservation Ordinance. Ms. Bracken-Piper seconded the motion. All are in favor; motion carried.***

6. REVIEW OPEN SPACE PRESERVATION ORDINANCE AMENDMENTS

- a. Proposed language on the discretion to deny an application.
- b. Proposed amended language on timeline for title opinion.
- c. Proposed amended language on the amount of title insurance.
- d. Proposed amendment to application.

Ms. Smith reviewed the addition of the language to deny an application, timeline of the title search and how to determine how much title insurance is needed.

Ms. Hartle said that the board discussed not even needing title insurance, and Ms. Smith agreed saying that this amendment could be removed if it is determined it is not necessary.

Mr. Smith said he thinks the only time title insurance would be needed is when an advance is given because there's no way to determine if the landowners will pull out of the program or not.

Mr. Hoover asked for clarification that the title insurance is needed for the 99-year lease program, and Ms. Smith agreed that this is just for the 99-year lease program. Then he asked how much insurance was paid on the last two properties.

Ms. Fisher stated that she paid \$11,200 for title insurance on the farm and cottage.

Mr. Smith states that requiring landowners to pay that much for title insurance will create hardships.

Ms. Hartle asked Ms. Smith if the need for title insurance had been in the ordinance for a long time.

Ms. Smith responds that it has not, that it has only been in for the last two properties that entered into the preservation program.

Mr. Smith then says that the township needs to be protected, but there is a clause in the ordinance that states a landowner can pull out of the program because of financial hardship. He then said if there is a financial hardship, the landowner wouldn't be able to fund the title insurance and the township would still be last in line.

Ms. Hartle states that there are two questions involved in this amendment which are; Is there truly a way to calculate how much title insurance is needed to cover what the township has invested? And are there any cases that could be exempt from needing the title insurance, such as, if they never took out an advance?

Mr. Smith agrees, saying that if a landowner never took out an advance and was only being paid an annual lease, then the township is not taking a risk. He added that it's only when advance payments are paid that the township needs to guarantee that there will be insurance if they pull out of the program.

Mr. Hoover stated that he would like a legal team to take a look at this issue.

Mr. Smith would like to be very specific with our questions for the legal team, and what the board's intentions are.

Mr. Hoover states that the board's questions are, is title insurance needed, and if it is, what amount of insurance is sufficient to cover any risk the township is taking.

Ms. Hartle said that if the question is if a landowner does not take out any advances, is there any risk to the township. If there is no risk to the township, then there isn't any need for title insurance. And if advances were made, how do we calculate enough insurance to cover the township.

Ms. Fisher commented that if she had known about permanent preservation, she would not have done a 99-year lease.

Mr. Stine agrees with the board saying that if no advance payment is made, there is no need for a guarantee.

Mr. Smith wonders if, as properties get sold, how much hardship will this put on new owners.

Ms. Hartle states that the board has come up with clear questions for the solicitor.

Mr. Hoover asked if a solicitor could attend the next OSPB meeting via zoom to answer questions the board may have.

Ms. Hartle said that the questions just need to be sent to the solicitor, and he doesn't need to be present. She also stated that the BOS needs to approve the questions being sent to the solicitor.

Mr. Hoover asked if this will be going to the township's retained solicitor or to a solicitor more familiar with this type of law.

Ms. Smith assured Mr. Hoover that the solicitor will consult with colleagues if need be.

Ms. Bracken-Piper asked what questions are being sent to the solicitor.

Ms. Hartle clarified the questions are: what is the impact on the township if the land owner did not get an advance, and is insurance required if they did not. And, if the landowner does get an advance, how to calculate what amount of insurance covers the township.

Ms. Hartle asked what the BOS is approving tomorrow. Is it whether the township has to have the first lien on a property or not?

Ms. Smith agrees and says the subordination agreement is the first thing, and the other amendments are next.

Ms. Hartle asks if the board needs to finish their amendment recommendations tonight.

Ms. Smith states that yes, the recommendations will go to the BOS tomorrow night.

Mr. Hoover asks if we will take each amendment suggestion to the BOS separately or if it is best to wait until they are all ready.

Ms. Smith says that it is probably best to take them back at the same time. She states that the open space board can accept them now and wait to send them to the solicitor wait until all the recommendations are ready and then move to approve them.

Ms. Hartle states that she would like to approve amendments for application denial and the timeline for title opinion.

- ***Mr. Smith made a motion to recommend to the BOS that the proposed language on the discretion to deny application and the language on the timeline for title opinion in the Open Space ordinance be accepted. Mr. Hoover seconded the motion. All are in favor, motion carries.***
- ***Mr. Smith made a motion to amend the denial language on the Open Space application contingent on the approval of the denial language in the ordinance. Mr. Hoover seconded the motion. All are in favor; motion carries.***

7. OTHER BUSINESS-

DISCUSSION ON PERMANENT INTEREST RESPONSES:

Ms. Hartle states that the board sent out letters to landowners in the OSPP asking who of them is interested in permanent preservation. She continued to say that since the board has those responses back from the landowners, Mr. Moyer would like to start taking steps on what to do next.

Ms. Bracken-Piper requests that the board rerates the properties in the program and approach whoever rates the highest to get started with permanent preservation instead of continuing to bounce ideas around.

Ms. Hartle continued that members of the board met with the program manager for Centre County preservation and found out that she has a tool to get a rough estimate on the land rating on a property. The county is interested in properties above a certain number, around 70. Ms. Hartle then stated that using that tool could give us a quick rating to find out if the county might be interested in permanently preserving that property versus the township.

Mr. Smith rebuts saying that would cost the landowners a lot of money to move lists.

Ms. Hartle states that the township might not be able to preserve them on their own. She said if the title insurance requirement is removed and the amendment stating that the termination fees for ending a 99-year lease would be waived if the landowner is moving to permanent preservation would create less hardship on the landowner.

Ms. Fisher recalls that she had to pay so much because there wasn't a document to go off of.

Ms. Hartle said that the township could pay to create such a document to use as a template for future landowners moving from lease to permanent preservation.

Mr. Smith asks how many properties are involved in this potential transition.

Ms. Smith states it was around 11 properties.

Ms. Hartle asks if any of those properties are on the list for permanent preservation throughout the county.

Ms. Smith clarifies that none of them are on the county list because they have not applied.

Ms. Hartle asked if the board agrees that Ms. Smith should re-rate the properties and get the number rating from the county for all the properties that are interested in a permanent easement. Mr. Smith agreed.

Ms. Bracken-Piper asked if that information could be available at the next meeting, and then the board could talk to landowners after that.

Ms. Smith stated that it can be available for the next meeting. She also noted that 3 of the interested properties are not within the Ag Security area and they need to be able to get permanent preservation from the county. She thinks a review can be amended, but she's not sure how that works.

Ms. Hartle thinks a spreadsheet including the ASA information would be very helpful in getting the board moving in the right direction.

AUTHORITY BOARD AND COMMITTEE REPORTS:

Planning Commission: Mr. Stine stated that the PC is amending their ordinances as well to make things clearer. He said that they had a great head start because of help from CRPA, but since the planners who were assisting have left, the PC is picking up the ball to keep things moving. The planning commission would like the ordinance language to be clear so there is no interpretation.

BOS: Ms. Hartle recalled at the February BOS meeting the board approved a donation to the Keystone Water Resources Center for Monitoring Projects of the Spring Creek Watershed. She stated that the township used to donate to this organization but stopped around covid. She moved on recalling that the Land Use and Community Infrastructure Committee are redoing their comprehensive plan in 2024. It was last updated in 2013. This plan serves as a statement for the region's vision for the future. They are required to get community input, and they will probably be in this area to get that input. Ms. Hartle then stated that the BOS will go over the amendment recommendations that the OSPB made tonight at tomorrow's BOS meeting. She lastly recalled that there is a C-net recording and PowerPoint presentation on the combined OSPB and BOS meeting from February.

Ms. Bracken-Piper thanked Ms. Smith for sharing the press report about the State land preservation program.

Mr. Hoover asked if the board will be discussing an email from a citizen voicing their concerns.

Ms. Hartle responded saying the email was received after the agenda was released so it couldn't be put in this meeting.

Ms. Smith responded saying Mr. Laird is working on a response to that email but wasn't sure if the OSPB wanted to respond as well. She said she can tell Mr. Laird to respond to that email.

Ms. Hartle agrees that Mr. Laird can send the email.

8. ADJOURNMENT

- ***Ms. Bracken-Piper moved to end the meeting at 7:48pm. Mr. Hoover seconded the motion.***

Respectfully Submitted,



Meagan Beck