

West Pikeland Land Trust

Preserving Open Space, Protecting Land and Promoting Conservation in West Pikeland

Proposal for the West Pikeland Land Trust to be Open Space Advisor to the West Pikeland Board of Supervisors

January 2008

Introduction

The West Pikeland Land Trust (WPLT) is pleased to offer this proposal to act as Open Space Advisor to the West Pikeland Board of Supervisors for the investment of open space funds. The availability of this material funding marks an exciting and historic opportunity to preserve open space for future generations in West Pikeland. The use of these funds will have a profound and lasting effect on the quality of life in our township, so decisions must be well-informed and carefully considered. We believe that our history, collective expertise, and organization make WPLT uniquely suited to perform the vital function of advising the Board of Supervisors in the investment of these funds. We are grateful for the opportunity to be of service to the Township.

History of WPLT and its Role in Open Space Preservation in West Pikeland

The West Pikeland Township Board of Supervisors created the West Pikeland Land Trust in January 2000 to assist the Township in the important issue of open space preservation in West Pikeland (*see Exhibit 1 for enabling ordinance*). WPLT is a registered 501(c) (3) organization, and in the past three years has successfully raised in excess of \$15,000 in resident donations.

The mission of WPLT is to serve the needs of West Pikeland Township in the preservation, conservation, and stewardship of open space including important agriculturally productive lands and natural resources.

Since its inception, WPLT has primarily carried out its mission by focusing on the protection of land as well as offering educational forums to township residents. WPLT has worked with local landowners to protect more than 150 acres as permanent open space, largely through donated easements, with the last conservation easement closing at the end of 2007. WPLT successfully initiated the Open Space Referendum in 2007 and formed a resident committee that worked for its successful passage in November. WPLT has also been involved in the mapping of township lands and trails.

*History of
WPLT (cont'd)*

Educating residents on conservation-related topics has been another top priority. Over the years, WPLT has sponsored a number of acclaimed speakers who have participated in all-day seminars and workshops for township residents. All events were well received by those attending. We are currently exploring ways that WPLT might partner with other organizations in 2008 to expand our educational opportunities and reach.

WPLT is a member of the national Land Trust Alliance and the Pennsylvania Land Trust Association, two organizations that provide information, skills and resources to member land trusts.

*Role of WPLT
in the 2007
Open Space
Referendum*

The process of acquiring donated conservation easements is slow, and it became increasingly apparent that the open space preservation efforts were not going to be able to keep pace with development pressures. While there are significant tax incentives available to residents with higher taxable incomes, these landowners represent a minority of the residents with significant landholdings in the township. In 2006, through a partnership with Natural Lands Trust, WPLT achieved some success in its program to subsidize the landowner's transaction costs associated with donating a conservation easement. However, we also found that this program provided insufficient incentive for those who could not justify a donated conservation easement based solely upon tax incentives. In late 2006, the WPLT Board of Directors assigned a high priority to establishing a funding source to supplement efforts to acquire donated conservation easements.

The WPLT board felt that it was important to dedicate substantial effort and financial support towards a campaign to place an open space referendum on the November 2007 ballot. To create a dedicated focus on this effort while supporting the other aspects of the WPLT mission, we created an Open Space Referendum Committee. This committee was intended to encourage a grass roots effort among township residents to gain support for an open space tax. We recruited co-chairs Curt Grogan and Teresa Wood to lead this effort and provided financial support to the committee based on their proposed \$7,500 budget. The WPLT board provided ongoing guidance as needed. To acquire the necessary expertise to support the committee, WPLT solicited proposals from Natural Lands Trust and The Brandywine Conservancy. Natural Lands Trust was selected and Jack Stefferud, Regional Director of Land Protection, was assigned to the project.

*Open Space
Referendum
(cont'd)*

The co-chairs recruited a group of dedicated resident-volunteers to staff the effort. The initial tasks were focused on gathering resident opinions about open space preservation. Exit-polling was conducted at the May 2007 primary election by members of the Open Space Committee and the WPLT board to (1) measure the level of interest in supporting an open space acquisition program, and (2) determine the willingness to pay for it through an increase in the earned income tax. Results showed that 70% of the voters polled were in favor of an open space program and were also willing to pay for it.

WPLT and the committee guided the Township staff through the formal processes of putting the referendum on the ballot. The committee also developed a screening tool that defined the criteria for prioritizing properties to be considered for open space funding. This tool was helpful in attenuating residents' fears that these decisions would be made based on political agendas or other subjective criteria. The committee also conducted informational meetings with large landowners and held a resident educational event to raise awareness and support for the open space tax.

In November 2007, the efforts of WPLT and the Open Space Committee were rewarded with 62% of residents at the polls voting in favor of the referendum. At the present time, based upon current market rates, the dedicated tax revenue stream could support an Open Space Bond of nearly \$9 million.

*Proposed
Organizational
Structure for
Executing the
Open Space
Fund Advisory
Functions*

The WPLT board has had extensive discussions regarding the optimal processes and structure to discharge the responsibility of advising the Board of Supervisors on the investment of the open space funds, if WPLT is selected. Our consensus is that a committee structure is the best approach to ensure a broad range of views and a structured process for assessing properties. We believe that this will give the Board of Supervisors the highest quality advice on investing the open space funds.

To create the committee, we propose that the WPLT board expand its existing Open Space Advisory Committee to include representatives from the community. The Open Space Advisory Committee is presently comprised of Curt Grogan as Chair along with members Teresa Wood, Ann Orth, Sean O'Neill and Jim Rowan; we propose to add the following categories of community representatives:

*Proposed
Structure
(cont'd)*

- A representative of the Parks & Recreation Board;
- A representative of the Planning Commission (Sean O'Neill could serve);
- A representative of the Historic Commission;
- Two at-large residents who would be geographically dispersed.

We believe that this committee composition will draw upon the relevant expertise within the Township's current commissions and boards and supplement it with general resident participation. If the Board of Supervisors concurs with this committee format, we would invite them to suggest names of individuals to be appointed.

This committee would undertake the process described elsewhere in this proposal to evaluate landowner properties for consideration in receiving open space funds. Upon completion of their assessment, the committee would make a presentation and recommendation to the WPLT board. The WPLT board would review the case materials presented along with the committee's recommendation and then deliberate in executive session on the investment opportunity. It would require a majority vote of the WPLT board to make a formal recommendation to the Board of Supervisors for using the open space funds.

We believe that this would allow only well-screened projects with significant support to come before the Board of Supervisors. It would also permit WPLT to evaluate the use of funds versus the possible alternative of negotiating with the landowner to donate a conservation easement.

*Open Space
Advisory
Committee
Investment
Screening
Process and
Tools*

The WPLT Open Space Advisory Committee would have two primary areas of responsibility:

Analytical Tools - The first major responsibility will be to complete the development of the analytical tools needed to establish the priorities of the open space program and to analyze investment opportunities available to the Township. It is expected that the following three tasks would be completed within ninety days of selection, if WPLT is chosen as the Open Space Advisor to the Township.

Screening
Process and
Tools (cont'd)

- **Conservation Priority Map.** This effort involves creating a map that shows high priority parcels or important areas that would be targeted for landowner discussions, as validated by the West Pikeland Open Space Plan, Comprehensive Plans, including the Natural Resource Inventory, and other existing documented conservation criteria. This map should be adopted by the Township as an amendment to West Pikeland Open Space and Recreation Plan or other Township resource, recreation or land use plan. The Township's Open Space Consultant would assist the committee by providing the mapping services needed to develop this tool. *(See Exhibits 2a and 2b for examples of conservation priority maps.)*
- **Funding Projections.** After the conservation priority map is completed, the next step is projecting funding requirements. This work involves creating a list of potential conservation programs that will be offered to various landowners, including easement purchases at full market value, easement purchases at some percentage of full market value, fee purchases, purchases of development rights, and charitable donations of land and easements. The Township's Open Space Consultant will assist in this project by developing estimated per-acre costs for each of these conservation structures. In addition, should the Township elect to issue an Open Space Municipal Bond, this funding projection will be valuable in establishing the amount of the bonds to be issued.
- **Contacting Landowners.** Next would be the development of a plan for contacting potential landowners, which would include contacting those who have expressed an interest in conserving their properties as well as landowners of high-priority parcels. Tools to be created for use in discussions with landowners include maps of relevant parcels using aerial photography, maps of nearby protected lands, and trail network diagrams. The Township's Open Space Consultant will assist the committee in developing these maps. The consultant will also assist in developing the landowner contact program.

Proposal Package - The second major area of responsibility will be to develop a standard proposal package that includes all information that needs to be considered in evaluating the property for possible investment. This proposal package will be the foundation document that will be used throughout the property approval process. This package will be comprised of:

*Screening
Process and
Tools (cont'd)*

- Executive Summary that establishes the reasons the Open Space Advisory Committee is recommending the property for consideration by the WPLT board and the Board of Supervisors;
- Application of the screening tool (previously previewed by the Township supervisors and manager), which establishes a score for the property as measured against the objectives of the Township's Open Space and Comprehensive Plans. *(See Exhibit 3 for a copy of the screening tool.)*
- Map of the prospective property showing all the attributes that justify its protection as open space;
- Discussion of the alignment of the property with the conservation priorities map;
- Discussion of the transaction's fit within the funding projection.

The Township's Open Space Consultant will assist in the preparation of the proposal package, particularly for mapping and advising on the selection of an optimal conservation program for each property.

*WPLT
Credentials to
Serve as Open
Space Advisor
to Board of
Supervisors*

Organization and Board. WPLT is a non-profit corporation under the direction of a ten-member Board of Directors *(see director biographies in Exhibit 4)*.

The officers of the corporation are:

- President - Jim Rowan
- Vice President - Curt Grogan
- Treasurer - Teresa Wood
- Recording Secretary - Tom Williams
- Corresponding Secretary - Ann Orth

WPLT meets monthly to conduct the affairs of the corporation. The five-person executive committee (comprised of the president, vice president, recording secretary, corresponding secretary and the chair of the strategy & planning committee) meets between meetings to maintain the flow of activities between the full board meetings.

WPLT
Credentials
(cont'd)

Well-Organized. WPLT has organized to conduct its business through the following seven standing committees, which are each chaired by a board member:

- Communications - Melinda Mercurio, Chair
- Open Space Advisory - Curt Grogan, Chair
- Finance, Development & Grants - Ann Orth, Chair
- Education - Mike Groman, Chair
- Strategy & Planning - Suzanne Kaplan, Chair
- Governance & Compliance - Sean O'Neill, Chair
- Stewardship & Monitoring - Tom Williams, Chair

Broad Expertise. The WPLT directors have a broad range of professional backgrounds and experience in the following areas:

- Construction Management
- Real Estate Development
- Commercial Finance
- Communications and Public Relations
- Strategic and Financial Planning
- Municipal Law and Administration
- Operations Management
- Land Conservation and Protection
- Education and Training

Active in Community. As West Pikeland residents who are active in the community, we have relationships with other residents and local landowners that enable us to make informal and credible contacts not open to other organizations. The WPLT board members are or have been active on many Township boards, commissions, committees and non-profits, most often at the board or executive officer level:

- The Mill at Anselma
- The Chester Springs Library
- Historic Yellow Springs

WPLT
Credentials
(cont'd)

- French & Pickering Trust
- The Montgomery School
- West Pikeland Township Planning Commission
- Open Space, Recreation and Environmental Resources Committee for Updating the Comprehensive Plan
- Township Manager Selection Committee
- Government Study Commission
- Historic Architectural Review Board

Fiscally Responsible. WPLT has demonstrated the ability to manage its fiscal affairs prudently. The accounting records are maintained using non-profit accounting software (QuickBooks Professional for Non-profits). While WPLT does not presently obtain audited financial statements, it could be quickly arranged, if needed, to permit open space fund transactions through WPLT under the recently enacted PA Act 154 (*see Exhibit 5*). WPLT maintains a safe deposit box for all permanent original records.

All-Volunteer Organization. WPLT is a registered charity with the PA Secretary of State and holds an IRS Ruling establishing it an approved 501 (c) (3) charitable corporation. Our all-volunteer status means that our advisory services are offered free of charge to the Board of Supervisors.

Summary of
Tasks to be
Completed by
the Board of
Supervisors

Included in the appendix is a time line with a detailed list of the procedural steps that are required for the Township to begin spending the open space funds (*see Exhibit 6*). Those steps that have been completed to-date are marked with the completion date; other steps remain to be completed. The most important of the remaining steps are as follows:

- 1) **“Open Space Benefits Evaluation” Ordinance or Resolution** - The preparation of a draft ordinance or resolution for review and adoption by the Township. This document will establish the procedures for reviewing the interests considered for acquisition, rating the relative desirability of interests in particular parcels of real estate, and establishing the price the Township will pay.

Summary of Tasks (cont'd) 2) **Selection of the Open Space Advisory organization**
3) **Decision on funding the open space program**, which could involve using the open space tax revenue stream as it is received, acquiring an open space line of credit, or issuing a municipal bond.

Conclusion With WPLT's history of commitment to open space preservation, the in-depth expertise of WPLT board members, our contacts in the local community, and the organizational structure of the corporation, we believe the West Pikeland Land Trust is well-positioned to assume and execute the duties of Open Space Advisor to the West Pikeland Board of Supervisors.

Exhibits 1 – West Pikeland Township Ordinance 2000-1
2a-b – Sample Conservation Maps
3 - Screening Process Tool
4 – WPLT Board of Director Biographies
5 – 2007 PA Act 154
6 – Steps and Timeline

Exhibit 1
West Pikeland Township Ordinance 2000-1

Exhibit 2a
Sample Conservation Priority Map

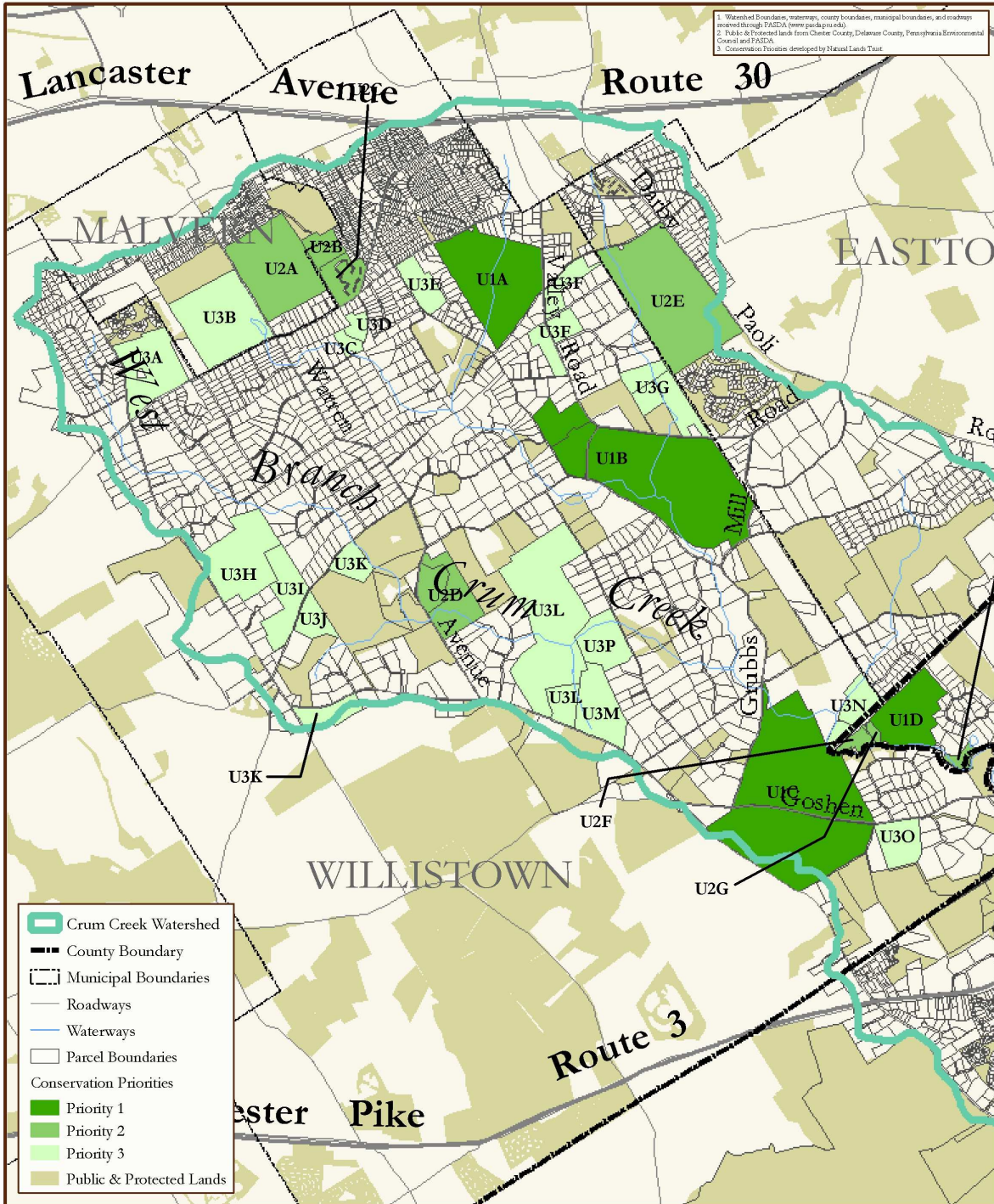


Figure 22a
CONSERVATION PRIORITIES
 Upper Watershed
 Crum Creek Watershed Conservation Plan
 Chester & Delaware Counties, Pennsylvania

Natural Lands Trust | Princeton Hydro | pH |

0 1,750 3,500 Feet
 Compiled By: DCR 05/03/08

Exhibit 2b Sample Conservation Priority Map

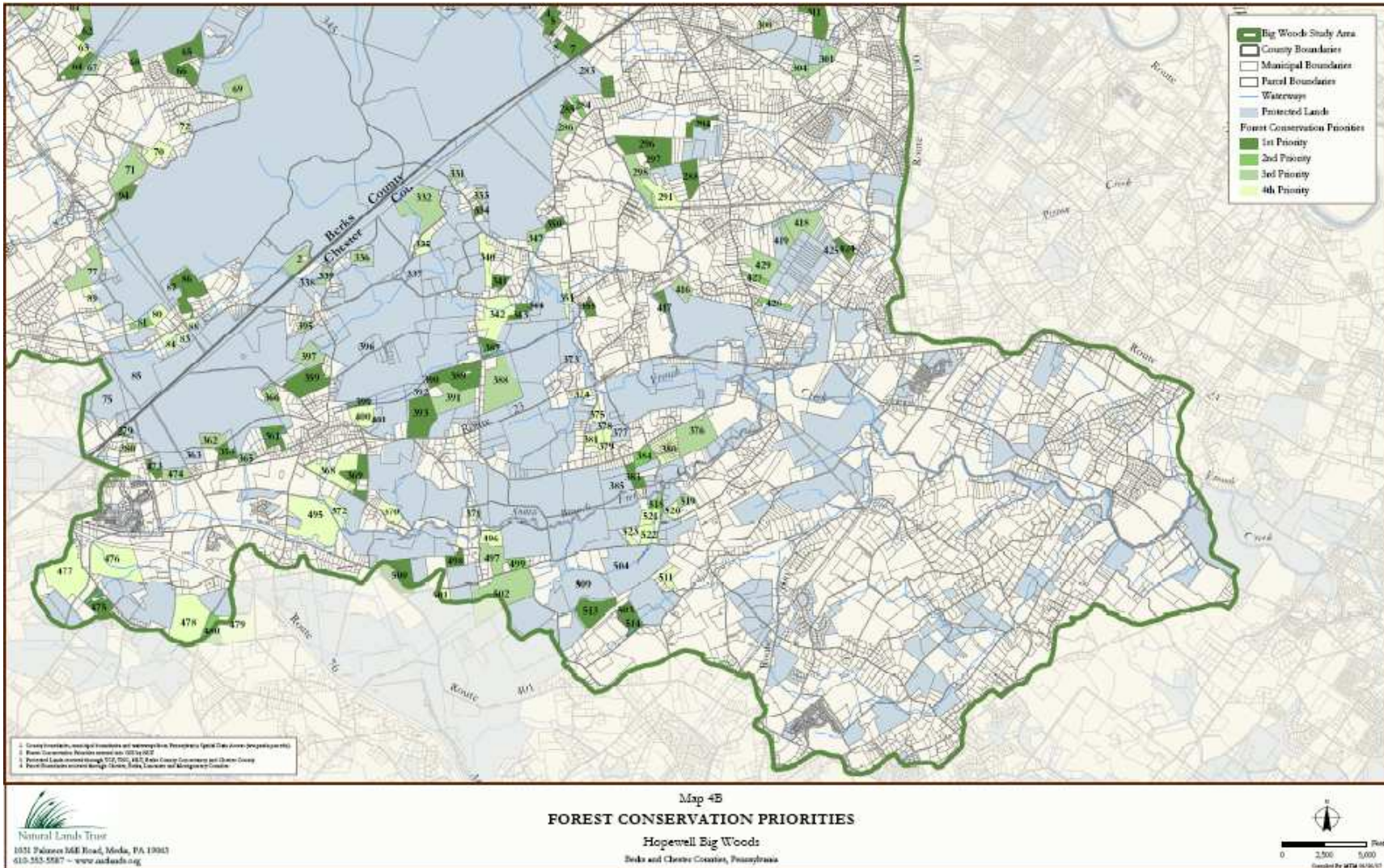


Exhibit 3
West Pikeland Township Open Space Preservation Criteria

Goal: To retain our rural character and quality of life by preserving West Pikeland Township's Open space, working farmland, passive recreation areas, wildlife habitat, clean streams, and scenic views.

PREREQUISITES						YES	NO
Promotes Township Comprehensive and Open Space and Recreation Plans							
Consistent with Chester County's Open Space Plans							
Qualifies under IRS regulation for "Conservation Purposes"							
PROJECT SELECTION CRITERIA							
Location (must meet at least 3 location parameters)							
Contains Prime agricultural soils							
Located in Environmental Resource target areas of WPT comprehensive plan							
Adjacent to privately protected land							
Borders Pickering Creek or tributaries							
Adjacent to existing township parks or wildlife area							
Links protected land areas or trail corridors							
One parcel removed from any of the above							
Qualities (must provide at least 4 qualities)							
Protects significant ecosystem or wildlife habitat							
Contains PA Natural Diversity Inventory listed plants or species							
Provides Watershed protection Benefits							
Listed on National Register of Historic sites or enhance an Historic site							
Sufficient size to protect Conservation Values							
Protects steep slopes or woodlands							
Provides public access for passive recreation							
Provides and/or buffers a Scenic View							
Vulnerable to development							
Costs (priority given for projects that leverage funding from other sources)							
Sufficient Funding Sources are available to:							
Complete project							
Provide long-term monitoring and Enforcement							
Landowner covering all costs							
Landowner willing to sell at a bargain price, or donate, which could override evaluation above							
Leverages County, State or Foundation Grant Funds							
Potential Rejection Criteria							
Potential Maintenance Problems							
Retained Rights Inconsistent with Conservation purposes							
Insufficient funds to cover Township Expenses							
Potential Environmental Liability							
Potential Legal Problems							
Excessive Technical Assistance necessary							

Exhibit 4
West Pikeland Land Trust
Board of Directors

James T. Rowan

President and Executive Committee Chair

Jim Rowan is a retired executive with 30 years experience in financial management and auditing in the telecommunications and financial services industries. He currently works as an independent consultant providing financial and strategic planning services to growth-stage companies. Previously, Mr. Rowan was chief financial officer of Eastern TeleLogic Corporation, managing all financial activities for the regional telecommunications company. He is a member of the American and Pennsylvania Institutes of Certified Public Accountants and is currently serving on the West Pikeland Township 2008 Budget Review Committee. In the past, Mr. Rowan served as chairman of the West Pikeland Township Manager Selection Committee and treasurer of the West Pikeland Government Study Commission. A West Pikeland resident for 6 years, Mr. Rowan has been a WPLT director since 2004 and previously served as chairman of the Development Committee.

Curt Grogan

Vice President and Open Space Advisory Committee Chair

Curt Grogan is a retired executive with 28 years experience in business leadership, organization development, strategic planning and operational execution. Previously, Mr. Grogan served as operations officer of Siemens Corporation, where he managed overall operations for the Health Data Exchange business segment. Mr. Grogan also serves on the development committee for Delaware Valley Friends School and provides support services to The Crossroads School in Paoli. A resident of West Pikeland for 18 years, Mr. Grogan provides fundraising support to the Binky Lee Preserve, serves as advisory council member for the Natural Lands Trust, and co-chaired the West Pikeland Citizens for Open Space Committee. Mr. Grogan joined the WPLT board in 2007.

Thomas L. Williams

Recording Secretary and Stewardship & Monitoring Committee Chair

Tom Williams is chairman of IMC Construction and a LEED-accredited building professional (U.S. Green Building Council). With 31 years in real estate development and construction management, Mr. Williams has extensive experience in strategic planning, financial management, business leadership and teamwork development. His company was named one of the best places to work by *Philadelphia Business Journal* and he was named one of the Top 400 Contractors and Top 50 Green Builders by *Engineering News Record*. Mr. Williams currently serves on the West Pikeland Historical Architectural Review Board, the Montgomery School Board of Trustees, and the Devereux–Pennsylvania Advisory Board, and he is a past director of Historic Yellow Springs. A resident of West Pikeland for 21 years, he has been a WPLT director since 1999 and previously served as vice president.

Ann Orth

Corresponding Secretary and Development, Finance & Grants Committee Chair

Ann Orth is a retired conservationist with 20 years of experience in land preservation, grant writing, fundraising, and community consensus-building. Most recently Ms Orth served as director of land preservation at French and Pickering Creeks Conservation Trust where she successfully advocated for a special farmland preservation program specifically designed for the unique qualities of the northern Chester County farms. Previously Ms. Orth served as director of land preservation at the Berks County Conservancy where one of her many projects was awarded the “Conservation Project of the Year” by the Pennsylvania Historic and Museum Commission. Prior to that, Ms Orth served as Pennsylvania field representative for American Farmland Trust where she helped promote the newly established \$100 million Pennsylvania Farmland Preservation Program, and assisted communities throughout the state. Ms. Orth, a resident of West Pikeland for 22 years, served as the first chairperson of the WPLT board in 1999.

Teresa M. Wood

Treasurer

Teresa Wood is a retired executive with 28 years experience in accounting, commercial lending, new business development, and loan portfolio management. She currently provides part-time consulting services following 24 years with PNC Financial Corp. Prior to her retirement, Ms. Wood was vice president and group manager for PNC Dealer Finance Corp, where she was responsible for overseeing a \$700 million diversified commercial loan portfolio supporting automotive dealers headquartered in the Philadelphia metropolitan area and Delaware. Ms. Wood served as co-chair of the West Pikeland Citizens for Open Space Committee and was a member of the local-market advisory committee for PNC’s \$100 million Grow Up Great Program. A 14-year resident, Ms. Wood joined the WPLT board in 2007.

William Cracas

Director and West Pikeland Supervisor Liaison

Bill Cracas is owner of the Pickering Valley Feed & Farm Store, with responsibility for general management, human resources, advertising, and data management. With 30 years in retailing, Mr. Cracas has in-depth experience in advertising, planning and finance. His early career also included periods as a teacher and chemist. Mr. Cracas serves on the West Pikeland Board of Supervisors and is a past chairman of the Parks & Recreation Board and a past member of West Pikeland’s Planning Commission. Previously he served on the environmental committee of the Pennsylvania Poultry Association and was an advisor to the Environmental Club for a local high school. A West Pikeland resident for 42 years, Mr. Cracas joined the WPLT board in 2006.

Michael W. Groman

Director and Education Committee Chair

Mike Groman is senior director of state and national outreach for the Pennsylvania Horticultural Society, where he has responsibility for extending the Philadelphia Green program model to other municipalities in the region and across the state, promoting tree planting, park restoration, and similar greening projects as community development tools. He also works to establish the horticultural society as a resource to cities across the nation by building partnerships with complementary national programs. Mr. Groman has 25 years experience in environmental and community planning, program development and management, communications, advocacy, and fundraising. He is currently a member of the Keep Pennsylvania Beautiful Board of Directors and previously served as a member of the West Pikeland Citizens for Open Space Committee and vice president of the Philadelphia Land Trust. A West Pikeland resident for 15 years, Mr. Groman joined the WPLT board in 2007.

Suzanne F. Kaplan

Director and Strategic Planning Committee Chair

Suzanne Kaplan is president of Organization Change Solutions and a partner in Multi-Cultural Connections. An organizational consultant, trainer and facilitator specializing in diversity and multi-cultural communications, Ms. Kaplan has over 30 years experience in organization development, strategic planning, corporate systems change, effective communications, visioning and executive coaching. Ms. Kaplan currently serves on the corporate committee of Chester County Fund for Women and Girls. Previously, she served as president of Chester Springs Library Board of Trustees and as a member of the Green Valleys Association Board of Trustees, and the Open Land Conservancy Board of Trustees. She was also an active participant in the original open space initiative in Chester County. A West Pikeland resident for 24 years, Ms. Kaplan has been a WPLT director since 2004.

Melinda D. Mercurio

Director and Communications Committee Chair

Melinda Mercurio is an independent communications consultant with 30 years experience in corporate communications, brand building, marketing communications, and financial communications, chiefly for technology-centric companies in the public and private sectors. Based in Chester Springs, Ms. Mercurio provides strategic marketing planning and corporate communications services to small but fast-growing businesses seeking to upgrade image, increase visibility, and improve effectiveness of executive communications. A resident of West Pikeland for 8 years, Ms. Mercurio also leads the communications committee for the West Pikeland Government Study Commission and provided communications support to the West Pikeland Citizens for Open Space Committee. Ms. Mercurio joined the WPLT board in 2007.

Sean A. O'Neill, Esq.

Director and Governance & Compliance Committee Chair

Sean O'Neill is an attorney with Lentz, Cantor & Massey, Ltd., where he leads the real estate, land use, and municipal law departments. With 25 years in real estate law practice, Mr. O'Neill is a solicitor to numerous municipal boards and agencies and often represents private landowners on conservation sales and donations. Mr. O'Neill serves as secretary on the West Pikeland Planning Commission and is a member of the PSATS Solicitors Association and the West Pikeland Township Manager Selection Committee. He has served as counsel and consultant to numerous non-profits, townships and boroughs for land acquisition and preservation, zoning regulations, easements, and open space initiatives, and he co-authored West Pikeland's first open space conservation district overlay zoning ordinance. A West Pikeland resident for 12 years, Mr. O'Neill joined the WPLT board in 2007.

Exhibit 5
2007 PA Act 154 establishing Land Trust Roles in Open Space Funds

PRIOR PRINTER'S NO. 187

SENATE AMENDED

PRINTER'S NO. 4383

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 183 Session of 2005

INTRODUCED BY ROSS, HERMAN, BALDWIN, BARRAR, BUNT, CALTAGIRONE,
CAPPELLI, CAWLEY, CLYMER, CORRIGAN, CRAHALLA, FICHTER,
FRANKEL, FREEMAN, GEIST, GERGELY, GINGRICH, GODSHALL, GRELL,
GRUCELA, HENNESSEY, W. KELLER, MUNDY, MUSTIO, NAILOR,
O'NEILL, PETRI, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, THOMAS,
TIGUE, WALKO, WATSON, YOUNGBLOOD, BOYD, GOODMAN, CURRY,
BROWNE, MELIO, DENLINGER AND WASHINGTON, FEBRUARY 1, 2005

SENATOR ERICKSON, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
JUNE 27, 2006

AN ACT

1 Amending the act of January 19, 1968 (1967 P.L.992, No.442),
2 entitled, as amended, "An act authorizing the Commonwealth of
3 Pennsylvania and the local government units thereof to
4 preserve, acquire or hold land for open space uses," further
5 providing for local taxing options; and providing for land
6 trusts.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 7.1(a) of the act of January 19, 1968
10 (1967 P.L.992, No.442), entitled "An act authorizing the
11 Commonwealth of Pennsylvania and the local government units
12 thereof to preserve, acquire or hold land for open space uses,"
13 added December 18, 1996 (P.L.994, No.153), is amended to read:

14 Section 7.1. Local Taxing Options.--(a) A local government
15 unit, excluding counties and county authorities, may by
16 ordinance impose, in addition to the statutory rate limits on

1 real estate taxes set forth in the municipal code of that local
2 government unit, a tax on real property not exceeding the
3 millage authorized by referendum under this subsection. In the
4 alternative, a local government unit, excluding counties and
5 county authorities, may by ordinance impose, in addition to the
6 earned income tax rate limit set forth in the act of December
7 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling
8 Act," a tax on the earned income of the residents of that local

9 government unit not exceeding the rate authorized by referendum
10 under this subsection. Revenue from the levy shall be used to
11 retire the indebtedness incurred in purchasing interests in real
12 property or in making additional acquisitions of real property
13 for the purpose of securing an open space benefit or benefits
14 under the provisions of this act or the act of June 30, 1981
15 (P.L.128, No.43), known as the "Agricultural Area Security Law."
16 Revenue from the levy may also be used for expenses related <--
17 TRANSACTIONAL FEES THAT ARE INCIDENTAL to acquisitions made in <--
18 accordance with this act, including, but not limited to, costs
19 of appraisals, legal services, title searches, document
20 preparation, title insurance, closing fees and survey costs. The
21 local taxing option authorized by this subsection shall not be
22 exercised unless the governing body of the local government unit
23 shall by ordinance first provide for a referendum on the
24 question of the imposition at a specific rate of the additional
25 tax to be imposed and a majority of those voting on the
26 referendum question vote in favor of the imposition of the tax.
27 The ordinance of the governing board of the local government
28 unit providing for a referendum on the question shall be filed
29 with the county board of elections. The referendum shall be
30 governed by the provisions of the act of June 3, 1937 (P.L.1333,
20050H0183B4383 - 2 -

1 No.320), known as the "Pennsylvania Election Code." The election
2 official shall cause the question to be submitted to the
3 electors of the local government unit at the next primary,
4 general or municipal election occurring not less than the
5 thirteenth Tuesday following the filing of the ordinance with
6 the county board of elections. At such election, the question
7 shall be submitted to the voters in the same manner as other
8 questions are submitted under the provisions of the
9 "Pennsylvania Election Code." The question to be placed upon the
10 ballot shall be framed in the following form:

11 Do you favor the imposition of a (describe tax in millage
12 or rate) by (local government unit) to be used to
13 (purpose)?

14 * * *

15 Section 2. The act is amended by adding a section to read:

16 Section 11.1. Land Trusts.--(a) If the governing body of a
17 local government unit deems it to be for the public benefit of
18 the local government unit, it may:

19 (1) appropriate money to a land trust or a local land trust
20 for the acquisition or conservation and preservation of
21 interests in real property for the purpose of achieving open
22 space benefits; and, PROVIDED THAT AN APPROPRIATION FOR THE <--
23 ACQUISITION OR CONSERVATION AND PRESERVATION OF INTERESTS IN
24 REAL PROPERTY FOR THE PURPOSE OF ACHIEVING OPEN SPACE BENEFITS
25 WITHIN A LOCAL GOVERNMENT UNIT OTHER THAN THE ONE THAT MADE THE
26 APPROPRIATION SHALL BE MADE ONLY PURSUANT TO AN
27 INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE LOCAL
28 GOVERNMENT UNIT WITHIN WHICH THE OPEN SPACE BENEFITS WILL BE
29 ACHIEVED AND THE LOCAL GOVERNMENT UNIT MAKING THE APPROPRIATION;
30 AND

20050H0183B4383

- 3 -

1 (2) transfer open space property interests to a land trust
2 or local land trust and elect to accept any nominal
3 consideration for the transfer it deems appropriate. NEITHER A <--

4 LAND TRUST NOR A LOCAL LAND TRUST SHALL ACQUIRE AN INTEREST IN
5 REAL PROPERTY THROUGH EMINENT DOMAIN.

6 (b) A local government unit may create a local land trust. <--
7 (B) NOTWITHSTANDING THE PROVISIONS OF 15 PA.C.S. § 5302 <--
8 (RELATING TO NUMBER AND QUALIFICATIONS OF INCORPORATORS), A
9 LOCAL GOVERNMENT UNIT MAY INCORPORATE A LOCAL LAND TRUST AS A
10 DOMESTIC NONPROFIT CORPORATION. Whenever the governing body of a
11 local government unit desires to create a local land trust under
12 this section, it shall adopt an ordinance signifying its
13 intention to do so. A LOCAL LAND TRUST SHALL FUNCTION AS A <--
14 NONPROFIT CORPORATION UNDER 15 PA.C.S. PT. II SUBPT. C ART. B
15 (RELATING TO DOMESTIC NONPROFIT CORPORATIONS GENERALLY), EXCEPT
16 THAT THE FOLLOWING SHALL APPLY:

17 (1) THE BUSINESS AND AFFAIRS OF A LOCAL LAND TRUST SHALL BE
18 MANAGED UNDER THE DIRECTION OF A BOARD OF DIRECTORS WHO SHALL BE
19 CHOSEN FROM THE ELECTORS OF THE LOCAL GOVERNMENT UNIT THAT
20 INCORPORATED THE LOCAL LAND TRUST AND MEMBERS OF THE BOARD OF
21 DIRECTORS OF A LOCAL LAND TRUST SHALL SERVE AT THE PLEASURE OF
22 THE GOVERNING BODY OF THE INCORPORATING LOCAL GOVERNMENT UNIT.

23 (2) A LOCAL LAND TRUST SHALL FILE AN ANNUAL REPORT WITH THE
24 GOVERNING BODY OF THE INCORPORATING LOCAL GOVERNMENT UNIT, WHICH
25 REPORT SHALL MAKE PROVISIONS FOR THE ACCOUNTING OF REVENUES AND
26 EXPENSES. THE LOCAL LAND TRUST SHALL HAVE ITS BOOKS, ACCOUNTS
27 AND RECORDS AUDITED ANNUALLY IN ACCORDANCE WITH GENERALLY
28 ACCEPTED AUDITING STANDARDS BY AN INDEPENDENT AUDITOR WHO SHALL
29 BE A CERTIFIED PUBLIC ACCOUNTANT, AND A COPY OF THE AUDIT REPORT
30 SHALL BE ATTACHED TO AND BE MADE A PART OF THE ANNUAL REPORT. A
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1 CONCISE FINANCIAL STATEMENT SHALL BE PUBLISHED ANNUALLY IN A
2 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE LOCAL
3 LAND TRUST IS LOCATED.

4 (3) A LOCAL LAND TRUST SHALL BE SUBJECT TO 65 PA.C.S. CH. 7
5 (RELATING TO OPEN MEETINGS).

6 (c) Money appropriated to a land trust or a local land trust
7 under this section may be used for related expenses.

8 (d) As used in this section:

9 (1) "Land trust." A nonprofit organization that is tax
10 exempt under section 501(c)(3) of the Internal Revenue Code of
11 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), is registered
12 with the Pennsylvania Commission on Charitable Organizations,
13 and which has among its primary purposes the acquisition or
14 conservation and preservation of interests in real property for
15 the purpose of achieving open space benefits.

16 (2) "Local government unit." A local government unit as
17 defined in section 2(5). The term does not include a county
18 authority.

19 (3) "Local land trust." A land trust incorporated by a
20 local government unit. as a nonprofit corporation under 15 <--
21 Pa.C.S. Pt. II Subpt. C Art. B (relating to domestic nonprofit
22 corporations generally).

23 (4) "Related expenses." Incidental expenses incurred by
24 land trust in the acquisition or conservation and preservation A <--
25 LAND TRUST AS TRANSACTIONAL FEES IN THE ACQUISITION of interests <--
26 in real property for the purpose of achieving open space
27 benefits, including, but not limited to, costs of appraisals,
28 legal services, title searches, document preparation, title
29 insurance, closing fees and survey costs.

30 Section 3. This act shall take effect in 60 days.

Exhibit 6
Time Line of Procedural Steps
(As of January 31, 2008)

<i>December 2007</i>	<ul style="list-style-type: none"> 1) BOS to advertise and pass ordinance enabling the collection of 0.25% EIT 2) WPLT to develop RFP for Open Space Consultant jointly with Twp. Manager <ul style="list-style-type: none"> a) Open Space Consultant's role is to work with the Open Space Committee (a committee under the WPLT, as proposed) to develop and execute the following: <ul style="list-style-type: none"> i) Conservation Priorities Map (Targets Use of Funds based on established criteria) ii) Funding Projections (Uses above map to project cost and rate of expending funds) iii) Initial Landowner Contact and Mapping of Target Properties iv) Implements Specific Open Space Transactions (Develop specific proposals for WPLT Board review/approval and BOS consideration) v) Develop Grant Requests for County and State matching funds (as applicable) 	<p>Complete</p> <p>Complete</p>
<i>January 2008</i>	<ul style="list-style-type: none"> 1) WPLT submits proposal and credentials to BOS to retain the WPLT as its Open Space Fund Advisor 2) WPLT creates subcommittee to its board that would be comprised of several of its board members and a representative of various township boards/commissions, and a few township residents (Total 8-9) 3) Proposals due from Open Space Consultants 	<p>Complete</p> <p>Received</p>
<i>February 2008</i>	<ul style="list-style-type: none"> 1) BOS selects WPLT as Open Space Advisor and Open Space Consultant 2) BOS, WPLT and Twp. solicitor develop Open Space Program Ordinance which would establish the following: <ul style="list-style-type: none"> a) The Open Space Advisory entity b) Define the role of the Open Space Advisor including reporting requirements, authority, etc c) Procedures applied to the Open Space acquisition process d) Screening criteria to be used to be used in ranking prospective properties 	

- 3) WPT and WPLT to begin developing financing options (bank loan vs. municipal bond underwriting vs. cash as received), identification of bond counsel and underwriter (if bond issue).
- 4) WPLT Open Space Committee organizational meeting with Open Space Consultant to develop priorities map, refine screening criteria, develop funding projections, etc.

*March
2008*

- 1) RFP (or interviews) for bond underwriter, selection of bond counsel (if bond option). Start discussion with commercial banks (if bank financing option)
- 2) Conservation priorities map completed and reviewed with BOS and Planning Commission
- 3) Funding projections completed and reviewed with BOS and bond counsel

*April
2008*

- 1) Begin discussions with landowners of high priority lands and landowners who have previously expressed interest.
- 2) Initiate bond underwriting process (if selected) with anticipated close in 90 days.

*May
2008 and
beyond*

- 1) WPLT reviews Open Space Committee's recommended acquisitions and votes and presents acquisitions opportunities to BOS. BOS votes to approve or reject each opportunity.

*December
2008*

- 1) WPLT submits annual report on Open Space Program to BOS and updates funding projections for 2009 and 2010.