



BOARD OF COMMISSIONERS

LAND PRESERVATION WORKSHOP - AGENDA-MINUTES

February 12, 2020

1. CALL TO ORDER and PLEDGE OF ALLEGIANCE – 6:00 PM

Attendees: Commissioner Christina (Tori) Morgan, President
Commissioner Diane Kelly, Vice President
Commissioner Michael Wolk, Assist. Secretary
Commissioner Joe Setton - Absent
Commissioner Matthew Mobilio
Joseph A. Zator, Twp. Solicitor, Zator Law Offices
Anthony Tallarida, Twp. Engineer, The Pidcock Company
Renee Bickel, Township Manager
Randy Cope, Director of Twp. Operations
Steve Carr, Director of Finance
Chief Glen Dorney, SWT Police Department
George Kinney, Director of Community Development
Tracy Fehnel, Executive Assistant

2. **NOTIFICATION:** All Public sessions of the South Whitehall Township Board of Commissioners are recorded. The recording is kept and posted to boarddocs.com until the minutes of the meeting are approved. Said recording is then destroyed if a request is not made to retain the electronic version at that time.

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3. DIRECTION/DISCUSSION ITEMS

- a. **Mission Statement and Overview of Homeland Preservation Committee – Commissioners Mobilio & Wolk**

President Morgan wanted to note for the record that the mission statement on the back of the agenda was put out prematurely. This will be modified as we go through this process.

At this point, President Morgan, turned the meeting over to Commissioners Mobilio and Wolk, who are the leads in this Committee.

Commissioner Mobilio explained that he and Commissioner Wolk met several times in order to discuss the formation of this committee. He explained that we are currently working with Township Manager Renee Bickel and Staff, and that this is all very preliminary, and all thoughts, comments, ideas are welcome—nothing has been voted on, or written in stone. We are here to figure out how to move forward from this point.

Commissioner Wolk said the formation of this land preservation committee is a good step forward, we are going to set some direction, and then move to accomplish those goals; and, said we are dedicated to this process. Commissioner Wolk went on to say that he is looking forward to hearing everyone's thoughts. It is early in the process, and this is open ended, and a lot of what you say will be incorporated into the front-end of this program.

President Morgan said that the entire board is interested in this subject matter, and will be involved as well; President Morgan thanked Commissioners Mobilio and Wolk for taking the lead in this. There will be a lot of information gathering we will need to do as a group before we can make any decisions that will lead us down a path, so we know what we can/cannot do.

Commissioner Wolk addressed the term and use of "homeland", and mention other terms such as land and open space to be considered. This will be looked at further.

He went on to say that "land preservation" covers the following: land, water, and natural resources. Some historic and cultural resources, open space—farmland, woodlands, wildlife habitats, watersheds, greenways, open space, which for some includes parks recreation and trail ways. The term "homelands" was meant to be complete and comprehensive to cover all of these.

Commissioner Wolk said we need to consider the areas we would like to prioritize, so that Mr. Franklin understands what SWT's priorities are.

Commissioner Wolk there are land preservation funding options which would not require a tax increase and there are funding options which would require a tax increase. Both options will be considered.

President Morgan said it is important to note that land preservation/open space preservation is a dynamic that includes cooperation with development. In the draft Mission Statement it states ..."to preserve and protect from future development as much land in SWT..." That is not the case. Good development is crucial to the growth and sustainability of our Township. It is good, planned out development. So, a statements "to protect" from future development is not what we are looking to do in regard to land preservation. It is a situation where we need to work with developers, not against development, and make sure that the land preservation that happens in the Township makes sense and is something that is feasible, and we will need the assistance of those people who own these properties to make sure that some of these things can happen.

Commissioner Wolk said we need to look at all sources of money, which do not require raising taxes and take a look at a referendum for a tax increase. We have to look at both sides.

Q: We already have a mechanism in place called Zoning. Why don't we exercise Zoning?

A: Commissioner Wolk said that in order to address that, work is currently being done on the Comprehensive Plan. On March 11th is another meeting with regard to the update of the Comprehensive Plan. The outcome of the Comprehensive Plan will look at Zoning—some things will change, and some things will remain the same. That being said, Zoning changes are outside the scope of this specific Committee.

President Morgan said that although Zoning is outside the scope of this Committee, we need to keep in mind that the MPC requires us to have certain types of zoning throughout the entire Township. Commissioner Mobilio added—the MPC is a written law.

Commissioner Wolk said we are looking for a balance between preservation and development. The Township does not have any land zoned agricultural/conservation, and if we want to preserve more farmland, we will have to add agricultural and conservation zoning. He feels the best place for that to originate is the Comprehensive Plan.

Commissioner Mobilio explained there have been no discussions regarding unilaterally raising taxes. He said what we would propose is to have a referendum, which would allow taxpayers to vote to see if they are willing to raise taxes for this purpose. This decision would be put back into the hands of the taxpayers. If you don't want this, then we won't raise taxes. We will still continue to pursue other options.

President Morgan said this group here needs to focus holistically, not just on one or two big properties, but on smaller parcels as well, which might allow us to expand out on our Open Spaces. It would be nice for us as a Township to have some kind of funding source so that when we hear of someone who is selling of a piece of property, that we could ask them if they are interested in selling this property to the Township.

Commissioner Wolk said that as he has been studying this topic, he said that the steps are:

1. Identify the property;
2. Then you know how much money you need; and
3. They you look at your funding sources (nontax and tax-related).

President Morgan added part of this process is to see what is out there, and to work with landowners to preserve as much as we can.

Commissioner Wolk touched on conservation easements, which is a sort of middle ground. Instead of buying property outright, the Township could buy the development rights where the landowner or farmer continued to farm the land, and the development rights have been purchased by the Township and or a land trust, who supports the funding.

President Morgan said that when and if we do a referendum, it will be very important that this referendum go to every Township Resident—it needs to be representative of the entire Township.

Commissioner Wolk also talked about a method of funding called “transfer development rights” (TDR). This is when a landowner transfers his development rights to another landowner. There is a financial agreement which occurs between the owner and the transferee—the Township would not be involved in this, and there is no cost to us.

At this time Mr. Franklin was introduced to the Board.

4. PRESENTATION: Owen Franklin, PA State Director – Trust for Public Land

The Trust for Public Land is a non-profit organization—been around since the 1970s. Mission is to *“Create parks and protect land for people to ensure healthy livable communities for generations to come.”* We look to advance this mission through a variety of activities. One of the activities mention is to work with local communities to determine whether or not there are appetites, needs, opportunities to have local sources of funding to deliver the mission in the way the local community so desires to prioritize.

Mr. Franklin when on to give a presentation entitled, “Not Red or Blue, but Green: How to Unlock Billions for Conservation.”

Slide 4 - Public Funding for Land Conservation – The majority of funding comes from local levels. Funding comes from Federal 22%, State 32%, Local 48% Sometimes local funds are used as a match, which in turn pulls from Federal and State sources.

Slide 5 – Track Record of the Concept: 76% long-term approval rate, good times and bad –

Sometime local governments—the elected body decides to issue bonds, or sometimes they take that decision to the electorate to determine if there is an interest to raise taxes or issue a bond for the purpose of land protection. Overtime, we have seen that when this question is presented to the electorate, there is a 76% approval rating for these types of initiatives.

Slide 6 & 7 – Support for these initiatives does cross political parties.

Slide 8 - Track Record of the Concept: Tens of Billions of \$ for Land Conservation – From 1996 to 2016, billions of funding dollars were generated for land preservation and parks development.

Slide 9 – November 6, 2018 Election – All Park & Conservation Ballot Measures – They were as follows:

- 54 measures in 21 states
 - 46 were approved by voters
 - 85% passage rate, which yielded
 - \$2.86B in funds for parks & conservation
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Slide 10 – Land Vote (State, County, Municipal and Special District Measures 1998-2018) - The Trust for Public Land is a great resource to use and maintains the largest database of information related to land conservation and parks development ballot initiatives, with information going back to 1985.

(Measures – aka Referendums)

Slide 11 – New Jersey Local Conservation Ballot Measures (2004-2017) – 67% Passage Rate – The Trust for Public Land was involved with many of these measures.

Slide 12 – Pennsylvania Local Conservation Ballot Measures (2004-2017 – 79% Passage Rate – The Trust for Public Land was involved with many of these measures. In PA not as many measures related to conservation as in NJ; however, higher passage rate, but not as much activity/total measures.

Slide 13 – www.landvote.org – Website address.

Slide 14 – What is the Trust for Public Land’s Conservation Finance Program? – We create new and protect public funding for land conservation, parks, and restoration through the research, design, and passage of ballot measures and legislation and serve as thought leaders in the field.

The last thing we want to do is recommend an initiative be put on the ballot, when the research shows it has a low chance of passing. If we do research and it says that there is not voter support for an initiative, we will relay that information to you.

Slide 15 – November 6, 2018 Election – Trust for Public Land Park and Conservation Ballot Measures – Informational.

- 18 measures in 10 states
- 17 were approved by the voters
- 94 percent passage rate
- Over \$1.8B in funds for parks & conservation

Slide 16 – Our Track Record: 561 wins, 82% YES, \$74B created, over \$100M YES Votes

Slide 17 – TPL Ballot Measures in PA (2001-2016) – 10 of 10 for a 100% Passage Rate – All initiatives TPL were involved in, in PA, did pass.

Q - Commissioner Mobilio - Why is a bond a preferred measure over some other options? Mr. Franklin said that sometimes a community needs funds to be in hand in the near future. A bond releases those funds more quickly. There is also flexibility in how the bond is financed. There is less specificity when using a bond.

Slide 18 – Not Red or Blue, but Green – Will touch on Ballot Measure Basics and Measure Components in following slides.

Slide 19 – Key Variables in Measure Design - There are a host of variables we use when working with communities.

- Funding Mechanism
 - Will it be a bond, earned income tax, property tax?
- Amount (and duration)
 - What amount needs to be generated and over what period of time?
- Purposes/Uses of Funds
 - Is this for land conservation, parks development, is there a maintenance component?
- Timing (choice of election date)
 - During presidential election years we have the largest turn out and measures have a higher level of passage.
- Management/Accountability
 - In some instances, voters look to have some information as to how funds are spent over a specific period of time; what frequency of reporting will be provided; an annual report which shows how these funds have been spent; overseeing of these expenditures—ultimately, how these funds are used.

Slide 20 – Not Red or Blue, but Green

Slide 21 – Key Steps for Successful Ballot Measures

- Feasibility Research
 - Public Opinion
 - Program Recommendations
 - Ballot Language
 - Campaign

Slide 22 – Step 1 - Feasibility Research – This is where we do a lot of our homework and where we differentiate ourselves from others. The research provides an in-depth review of your community’s factors, such as your budget, expenditures, demographics, population, history of land conservation measures, governing body of community, average income, etc. This research will help us make informative decisions later on. Based on the measures taken, what would the burden placed on each resident be? We’ve learned that if less than \$30/year for a person, generally speaking it has a higher passing rate than those measures of a higher price tag. The key factor is what is going to be the financial impact on each household as a result of choosing to support/or not support this initiative.

Slide 23 – Step 2 - Public Opinion Survey – This survey is conducted by a professional pollster. It is conducted through telephone surveys, which a tremendous amount of information comes out of. *The question is—What is the condition that would make this measure most appealing to a resident, or is there truly no appetite from this person in supporting this initiative?* This survey provides for great predictability as to whether or not an initiative will pass or not if put to the voters.

Slide 24 – Step 3 – Program Recommendations – Once we have done the feasibility study, and once we have learned what we need to learn from the polling, we will then make a recommendation. That recommendation may be that now is not the right time. However, if that recommendation is something else, it will include what is the best funding source given the amount of funds the community looks to raise, how long should that funding source be generated, how specific or flexible should the purposes be for which that source is created, and when would this measure be put before the voters. Then, getting back to the management accountability, what is information that the electorate will look for in the managing of the funds with regard to the vote they approved.

Slide 25 – Step 4 – Ballot Language – Ballot language is very important. For many people, the first time they will be educating themselves on this topic will be when they step into the booth to vote. The language needs to be clear, comprehensive, and specific, and include what the voters (from the survey) said is important to them. When we develop this language, our council will work very closely with Township council to ensure all legalities are accounted for. We have been developing language for a long time, so we have a large inventory of best practices from which to pull from.

Slide 26 – Step 5 – Campaign – In some instances the Trust will get involved in an educational campaign; specifically, public awareness. Rarely public advocacy, though. We are limited in our ability to advocate. This depends on the scope of what we are asked to do.

Slide 27 – Keys to County Referendum Success – Lastly, Mr. Franklin touched on how to make sure your referendum is a success. Use TPL Resources available to you. Spend limited funds wisely. Engage consulting firm to target communications through a Survey as discussed earlier. This is a tremendous amount of information. This is a key aspect of the work. This research and homework are very important so that what you are putting forth represents the viewpoints of the electorate, so that you are putting forth a ballot which would pass. If we learn from the research that in all likelihood a ballot would not pass, we will recommend that it not be put to the ballot.

Slide 28 – Mr. Owen Franklin’s Contact information.

Mr. Franklin said that in closing should you decide to work with us, we commit to doing that work with the accuracy and science-based responsible approach that we always do.

Mr. Franklin said all communities are different, but they would recommend a process to us. They would work with us to decide how SWT would want TPL to be involved.

Commissioner Wolk wanted to address the back end of this process, the execution of the land preservation. Do you do that work also, or do you have land trusts who do that work? Mr. Franklin said they do land conservation, which is what they have been doing the longest—protecting land; but that being said, PA has a very rich network of land trusts that has great local knowledge. In some instances we are not the best to engage in that for the

local community, since we are working with a community to generate funds through these referendums.

Commissioner Wolk summarized by saying that we could hire the TPL to handle the front end, while hiring a land trust to do the back end of the process, what he calls the execution end, the actual preservation of the land. Mr. Franklin said that is correct.

President Morgan explained that tonight was an evening to gather information and see how TPL might fit in with this committee and the Township.

Commissioner Wolk – For the ballot, do you get a better result if you put a broader use for the funds or a more narrow use for the funds? Mr. Franklin said that this depends on the electorate. If they have an appetite for a broad usage of funds, then broader use would be OK; however, if they have a very specific priority the community knows clearly, then a more narrow use would work. Commissioner Wolk said there are so many other uses beside Farmland. Mr. Franklin said the feasibility study would be able to determine what the best fit would be.

Commissioner Mobilio – Do we need to tell you in advance what our funding source will be? Mr. Franklin said we would have a conversation with this body what measure we feel would be the best fit based on the ability to generate funds, needs, cost per household, most manageable, etc. And then base on the polls, see how right we were, and then see if we need to calibrate it differently.

Commissioner Kelly – With our new surveying, when you ask your questions, whether it is open space, parks, farmland, do you attach a monetary value so that the person answering questions understands there will be a dollar amount tied to those specific initiatives? Mr. Franklin said that we tie them to the amount the person answering the questions would pay. We would approach it from the perspective—would you be willing to pay \$20 a year to support activities a, b, & c. We are very specific regarding the impact it would have on the caller. We are very interested in generating real answers to these questions, because when they go to the polls, we will see the results of these answers come out at the polls. We cannot manipulate the voters' answers when they go to vote. We base our reputation on this.

Commissioner Kelly – Does your company form the questions to be asked, or does the Township have a say in the questions asked? We work with a Pollster who does this all the time and we would certainly collaborate with the Township regarding the questions asked. We do recommend leaning on the expertise of the Pollster, as this is their livelihood.

Commissioner Mobilio – Once we decide on the source of funding, would you be part of helping us educating the public regarding this. Mr. Franklin said that it can be part of the process if we so choose.

Commissioner Wolk said that regarding the identifying of properties, do you do facilitate that work in any way, and if so, could you elaborate on that? Mr. Franklin said that when it comes to assessing the inventory of available properties, they could work with the Township based on the information you give us. As to deciding which properties are the highest priorities, that is a different activity. It is not typically done within the context of this. It is truly a local decision. But, we as a planning service can help facilitate conversation if you so desire. Commissioner Wolk feels we do need to take ownership of this particular piece, and said we can have an internal discussion regarding this.

This ended the part of the meeting where the Board asked questions. It was next opened up to the Public so they could ask questions as well.

Q: Sharon Holden – Isn't it harder to reach people via phone, rather than mailing a survey, or some other way? Mr. Franklin said he was discussing this last week with a colleague and they are confident that they can get the answers they need by doing a phone survey. He said that he will get his colleague's specific answer to this question, and forward to the Board. Mr. Franklin said they would not conduct this form of survey if they did not feel it was a reliable way to get the information that we need.

Tom Utsch – He commented that unless you do some serious debt financing you will never be able to come up with enough money to make any meaningful impact.

This was the last of the questions asked which pertained to the Workshop Topic. The remainder of the evening's discussion circulated around the Comp Plan and the importance of public involvement in that.

At this time George Kinney gave a brief update with regard to the Comp Plan and the distinction that it is a policy document, which drives a number of things. George, as well as all the other commissioners, encouraged the public to attend these Comp Plan Meetings, so that they can voice their concerns, and be part of this process. The next meeting is March 11th.

5. COURTESY OF THE FLOOR – None.

In Closing – President Morgan explained that we will be working on the Mission Statement and will be considering the direction moving forward with this process regarding land preservation. We will certainly be coming back to another Public Meeting regarding all of this. Both Commissioners Morgan and Wolk thought it would be good to hear other presentations with regard to this topic. There will be more workshops forthcoming.

6. EXECUTIVE SESSION: None was held after this meeting.

7. ADJOURNMENT: At 7:40 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio, to adjourn. All in favor; none opposed.

8. **APPROVED:** On April 15, 2020, a MOTION was made by Commissioner Mobilio, which was seconded by Commissioner Setton, to approve the February 12, 2020 Land Preservation Workshop Meeting Minutes. Virtual Meeting Roll Call Vote taken as follows: Commissioners Mobilio, Kelly, Setton, Morgan – All AYES approving said minutes. Motion carried. (Commissioner Wolk was absent.)
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