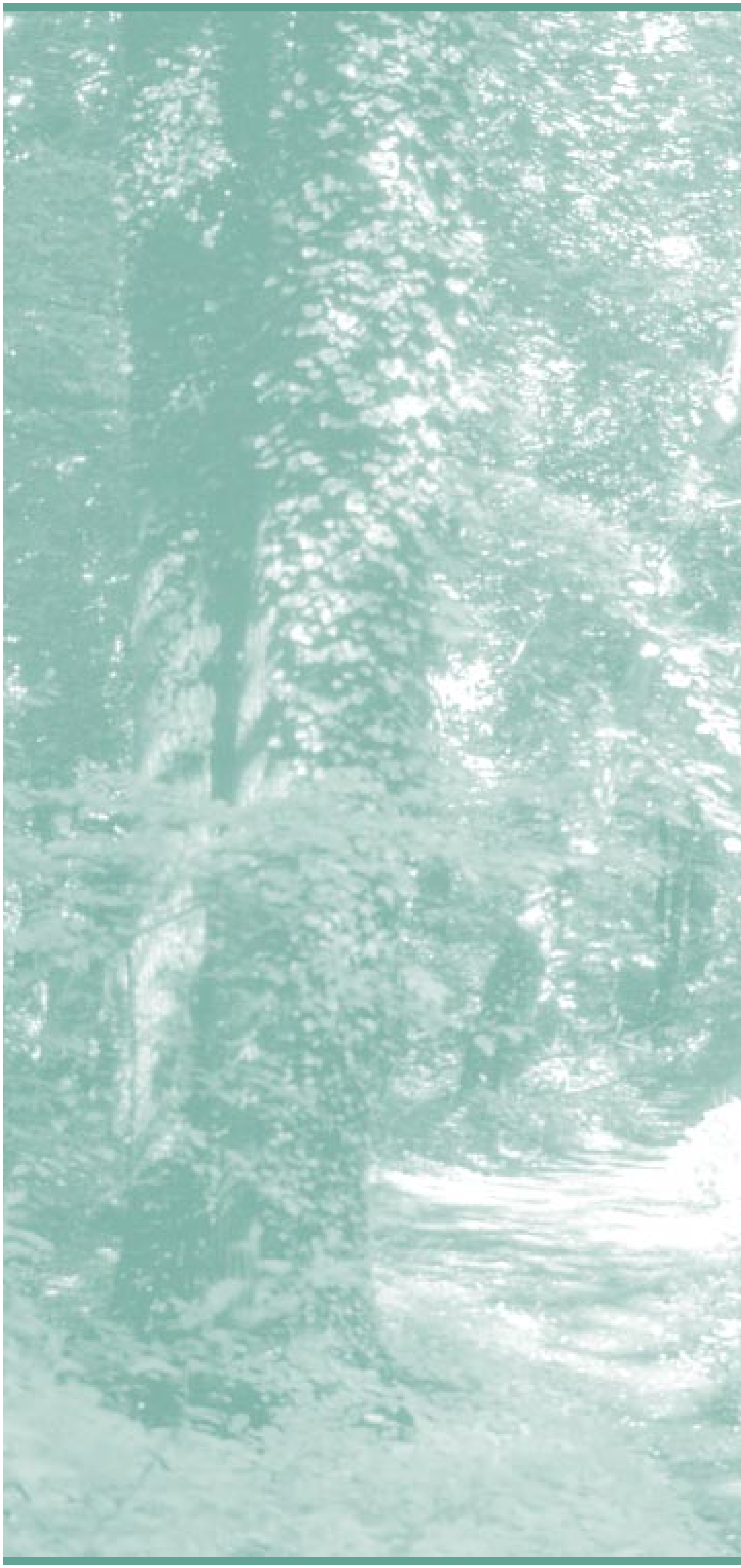

Public Finance for Open Space: A Guide for Pennsylvania's Municipalities

by

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Table of Contents

Introduction

"The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired in value."

Theodore Roosevelt

I. Public Finance for Open Space in Pennsylvania

Pennsylvania is depleting one of its most valuable resources – its open space – at an alarming rate. Since the 1950s, Pennsylvania has lost more than four million acres of farmland to development, an area the size of Connecticut and Rhode Island combined. During the 1990s Pennsylvania ranked fifth of the 50 states in the development of open land but 48th in population growth. In the face of these trends, local governments have increasingly turned to land acquisition and conservation easements, in addition to regulation and planning, to preserve open space in their communities.

Municipalities preserve open space in several ways. Non-profit land trusts are sometimes able to acquire land in a community using foundation grants or donations, and municipalities and land trusts alike occasionally receive donations of land from private citizens or corporations. Some landowners donate open space purely out of philanthropic intent or to take advantage of the tax deduction associated with such a charitable donation. Increasingly, however, landowners want to be paid in cash for their land or conservation easements, and municipalities that wish to acquire open space need to raise public funds to finance these transactions. This publication is intended to be a guide for local leaders and municipal officials who wish to raise public funds for open space.

Why Invest in Open Space?

Accumulating evidence indicates that open space conservation is not an expense for a municipal government, but an investment that produces important economic benefits. Some of this evidence comes from academic studies and economic analysis. Other evidence comes from the firsthand experience of community leaders and government officials who have found that open space protection does not "cost" but "pays." Numerous cost-of-service studies have shown that residential development often costs more in public services such as schools and infrastructure than it generates in tax revenue, while farmland and open space result in a net revenue surplus. Open space has been shown to further improve the bottom line by boosting tourism and attracting businesses and jobs. Open space protection is not only good for a community's health, stability, beauty, and quality of life, it is also good for the bottom line.

A poll of Pennsylvania voters conducted by the Trust for Public Land in April 2002 revealed that a solid majority of state residents favor public spending for land preservation. When asked about what kinds of land they thought should be preserved, survey respondents overwhelmingly identified preserving natural land that protects water quality as the top priority, with 94 percent support. Other voter priorities included creating local parks (82 percent support), preserving land for outdoor recreation (81 percent), preserving land as fish and wildlife habitat (79 percent), and preserving land to manage growth and development (76 percent).

Open space protection is also becoming a key component of state and local smart growth strategies. Communities are choosing to protect special places before they are lost to development and to reclaim vacant and abandoned land in urban areas for parks, trails and recreation facilities. Planners are giving increasing priority to green infrastructure in deciding how and where a community should grow.

Generally, voluntary land conservation techniques – acquisition of land or conservation easement from a willing seller or donor – are less controversial and generate more public support than regulatory methods. Regulatory approaches are, however, effective in preventing development in sensitive areas, controlling patterns of development, and preventing costly disasters such as floods. It's important to keep in mind that a variety of tools, voluntary and regulatory, will likely be needed to meet a community's land conservation goals.

Financing Open Space

Funding for open space acquisition comes from various private and public sources. Pennsylvania has shown considerable leadership in funding land conservation through direct protection at the state level and by providing funding to local governments in order to make them partners in the process. These programs are highlighted below.

Profile of Pennsylvania State Programs

Pennsylvania Department of Conservation and Natural Resources Community Conservation Partnerships Program. Pennsylvania's funding source for local parks, recreation, land conservation, trails and river conservation. The department provides matching grants for land acquisition and transaction costs, as well as for planning and studies. Contact: 717-783-4734 or www.dcnr.state.pa.us/grants.htm.

Pennsylvania Agricultural Conservation Easement Purchase Program. The Pennsylvania Department of Agriculture provides funds to counties for the purchase of easements on agricultural land by municipalities and the counties themselves. To be eligible a property must be part of a voluntarily formed Agricultural Security Area and apply to the county agricultural preservation board. Contact: your county Agricultural Preservation Board.

Pennsylvania Department of Agriculture Land Trust Agricultural Easement Program. Provides up to $5,000 per transaction to reimburse non-profit land trusts for transaction costs such as appraisals and surveys. Municipalities working with a land trust on their open space acquisitions can access this funding source through the land trust. Contact: your local land trust, or call the Department of Agriculture's Bureau of Farmland Preservation at 717-783-3167.

Pennsylvania Department of Environmental Protection Growing Greener Grant Program. Provides funds to municipalities for open space planning and implementation. Contact: 717-705-5400 or 877-PAGREEN or www.dep.state.pa.us/growgreen/defaultdep.htm.

Federal conservation funds are available to state governments through several programs including: the Land and Water Conservation Fund (LWCF); Forest Legacy; the North American Wetlands Conservation Act; and the Cooperative Endangered Species Conservation Fund. Local governments do not have direct access to these funding sources.

Most counties and municipalities find it necessary to supplement outside funding sources with funds of their own, raised through local taxes and bonds. The possibility of raising local funds for park, open space and recreation projects depends on a variety of factors, including the economic health and borrowing history of a community, and the political will of local elected leaders and the electorate.

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed it's the only thing that ever has."

Margaret Mead

In spite of recent political trends throughout the United States favoring reduced taxes and reduced public spending at all levels of government, spending on open space has gained in popularity with voters in the last several years. In 2002 voters approved 141 ballot measures for open space nationwide, committing almost $5.7 billion in funding for parks and open space conservation. Since 1998, voters across the United States have given their support to more than $25 billion in open space funding, passing 670 referenda.

In Pennsylvania, voters have demonstrated solid and increasing support for open space, approving numerous open space tax and bond referenda, the majority of them in the southeastern part of the state. (For a list of communities that have raised open space funds, see Appendix A). Altogether, local governments in Pennsylvania have authorized over $525 million in open space borrowings at the county and municipal levels, in addition to millions of dollars annually in open space taxes. In 2000, voters in Upper Makefield, Bucks County, approved a $15 million financing for open space acquisition, the largest such municipal measure to date. Some townships and counties have had more than one successful referendum.

The following sections explain some of the mechanics and techniques of open space finance (Part II), describe Pennsylvania's laws on public finance of open space (Part III), and provide guidance on conducting a successful referendum campaign (Part IV). Case studies of recent referendum campaigns are provided (Part V), and the Appendices provide relevant reference material.

II. Public Financing Options for Open Space

Pay Now, Pay Later, or Both?

Municipalities wishing to finance open space acquisitions with public dollars face a basic choice in financing methods:

- They may take a "pay-as-you-go" approach, as detailed below, in which spending is limited to current revenues;
- They may borrow, spend funds now and pay them back over an extended period, as explained below; or
- They may combine both techniques, simultaneously passing measures to incur debt and to implement a dedicated tax for open space acquisition, so that revenues from the dedicated tax can help provide funds to pay off the debt.

Pay-As-You-Go Approaches

With pay-as-you-go approaches, the government spends revenues from general appropriations or from a dedicated funding source. These funding sources – which can include property taxes, earned income taxes, real estate transfer taxes, or budget surpluses – can be attractive to debt-averse voters and public officials. "Pay-as-you-go" means year-by-year accountability and no borrowing costs. On the downside, it also means relatively small annual revenues (sometimes too small to pay for large land protection projects), and funding can be difficult to sustain as the leadership of a community changes.

Property Tax

The property tax is a familiar, if sometimes unpopular, revenue source for local governments. Property taxes are usually measured in "mills," where 1 mill equals $1 of tax for every $1,000 of assessed property value. Property taxes provide a steady source of revenue, less affected by downturns in the economy than the earned income tax. They are relatively easy to administer at the local level, and the burden is broadly distributed. On the downside, this revenue stream may be sought after by numerous interests, and retired residents on fixed incomes may oppose such an increase in their cost of living. Furthermore, municipal codes limit local property tax rates, requiring voter approval if these limits are exceeded. Nevertheless, voters in many communities have been willing to accept a property tax increase when revenues are specifically earmarked for parks and open space protection. Voters in Milford Township in Bucks County and Halfmoon Township in Centre County have approved real estate millage increases for open space, and a number of municipalities use real estate taxes to pay for debt service on open space bonds.

Earned Income Tax

The earned income tax (EIT) is an increasingly important source of revenue for local governments. The EIT may be more acceptable than the property tax in communities with a large population of retired seniors, since the tax is only applied to earned income, not to real estate assets or pensions. Pennsylvania law caps the EIT at 1.0%, and in most jurisdictions the local school district lays claim to half of this amount. Act 153 of 1996 authorizes voters to approve the levy of an increased earned income tax beyond the 1.0% limit, exclusively for the purpose of financing purchases of open space. The amount of the additional tax is set by the voters in a referendum. To date, voters in East Bradford, North Coventry, and East Vincent Townships in Chester County and East Rockhill, West Rockhill, Richland, Springfield and Hilltown Townships in Bucks County have approved EITs ranging from 0.10% to 0.25%.

Real Estate Transfer Tax

The real estate transfer tax is levied on the sale of property, increasing with the value of the property being sold. Costs are typically divided between the buyer and the seller. At the local level, the real estate transfer tax can create significant funding for park and open space acquisition, particularly in fast-growing communities. On the other hand, it can also inflate real estate values, slow the market, and make revenues difficult to predict. Perhaps most important, winning approval for the tax in the face of opposition from real estate interests has proved difficult for many communities. The tax is also limited by state law to 1.0%, and if a community has already reached this level of taxation, it cannot be exceeded. Radnor Township in Delaware County increased its real estate transfer tax from 0.75% to 1.0% and dedicated the additional revenues from the increase to open space.

Although less common, other finance mechanisms have been used for park and open space purposes around the country. These tools include: local option sales taxes, impact fees on new development, special assessment districts, hotel/motel taxes, and motor vehicle taxes. To date, none of these approaches has been tried in Pennsylvania.

Borrowing

Borrowing – by issuing bonds, utilizing bond pools, or borrowing from commercial lenders – presents its own set of opportunities and drawbacks. On one hand, borrowing can provide a community with the funds and flexibility it needs up front to fund large-scale park and open space projects, while land costs are lower than they will be in the future. Long-term loans or bonds raise substantial amounts of money, enabling the community to make important acquisitions now while land is available. Costs are spread out over a long time horizon and therefore are borne by both current and future beneficiaries. On the other hand, financing charges accrue, and convincing voters of the merits of incurring debt can sometimes be challenging.

Debt comes in a wide variety of formats, and each carries its own particular advantages, constraints, and costs. For instance, while governments often issue bonds to raise large amounts of money, in some cases the interest rate on a bank loan may be lower than that for a bond. In general, it may be more cost-effective to finance small amounts of debt (up to $2-3 million) through a bank loan, since the transaction costs for issuing bonds are significant. In the past, banks shied away from lending larger sums, but some municipalities have had success in borrowing up to $5 million or more at a time from local lenders, and the ceiling for bank loans may continue to rise as banks compete with bond issuers for municipalities' business.

In addition to deciding which type of debt is most advantageous, borrowers also need to take into consideration the timing of the borrowing. A municipality that approves a large amount of debt may not need all of the funds right away. If all of the money is borrowed in a lump sum at the outset, interest will begin to accrue immediately, even if the funds are not being used. The funds will sit in an account, perhaps earning less in interest than the municipality is paying on the debt. Even if the account pays a higher rate of interest, municipalities may be restricted from realizing arbitrage gains through reinvestment of the funds. A municipality may wish to borrow in phases over time as the need arises, or seek a line of credit from a bank.

A municipality may choose to use the revenues from a dedicated open space tax to help pay off the debt. Of course, it may not be possible to match revenues from the tax precisely with payments on the debt, since debt payments are generally fixed and tax revenues tend to vary over time. Nevertheless, the paring of debt and taxation measures can help assure that a dedicated funding stream will be available to pay off all or part of the debt, which may be an important political consideration in some municipalities.

Given the complexities of this kind of financing, it makes sense to get advice from experienced lending professionals who are familiar with the range of debt instruments and strategies that are available. A qualified financial advisor will be able to propose a variety of options and explain the advantages and disadvantages of each. Many municipalities are concerned about the impact new debt will have on taxes, since ultimately debt must be paid off using a revenue source, in many cases through increased property taxes. A financial advisor can help calculate the likely tax impact of various debt packages. (For a more detailed discussion of the various kinds of debt and the borrowing process, as well as an example of a debt impact analysis, see Appendix B.)

III. Pennsylvania Law on Open Space Financing

Act 153 of 1996

Pennsylvania's Act 153 of 1996 (which amended the Open Space Lands Act, Act 442 of 1967) gives local governments the power to acquire open space interests for the following purposes:

- Protection of water resources and watersheds
- Protection of forest for timber production
- Conservation of farmland
- Parks and recreation
- Conservation of natural and scenic resources
- Preservation of sites of historic, geologic, or botanic interest
- Promotion of sound planning through the creation of buffers between communities

Under the Act, local governments may levy a tax on real estate or earned income above existing limits *in order to purchase development rights or open space lands*, but only if they first receive referendum approval from the voters.

The Act also lays out the rules for acquisition of open space by local governments. Properties may be acquired in fee and resold after restrictive easements or covenants have been placed on the land. Property interests may be purchased on an installment or deferred basis, but may not be acquired through condemnation.

Land or development rights to be purchased must have been identified in a resource, recreation, or land use plan recommended by the planning commission of the municipality in which the property is located, and that plan must first be adopted by the governing body. If the community does not have a planning commission, the process relies on a similar plan prepared by the county planning commission and adopted by the municipal governing body.

In the event that the governing body decides to dispose of acquired land or development rights, it must first obtain voter approval. These interests must then be offered to the original property owner at the original price paid by the local government. If the offer to the original property owner is not accepted within 90 days, the property interests may be sold in the manner provided by law.

Act 153 also authorizes local school districts to freeze the millage on lands whose development potential has been removed. Recently, Central Bucks, Council Rock and New Hope/Solebury school districts in Bucks County have agreed to take this step.

Act 138 of 1998

Pennsylvania Act 138 of 1998 (an amendment to the Agricultural Area Security Law, Act 43 of 1981) authorizes local governments to purchase agricultural conservation easements to preserve farmland in established agricultural security areas. Local governments may undertake this activity on their own or in cooperation with a county or the Commonwealth as joint owners. The Act permits local governments to incur debt to purchase these easements.

"Preservation costs money. Development costs more."

Bill Tinsman, Solebury Township Supervisor, Bucks County

"The hard political path is the only workable route to the soft environmental path."

Barry Commoner, Earth Island Institute

Limits on Local Government Debt and Taxes

Pennsylvania statute sets limits on local government debt using the concept of a borrowing base. A local government's *borrowing base* is its average annual revenue over the last three years. Under the **Local Government Unit Debt Act (Title 53, Part VII, Subpart B, Chapter 80)** the debt limit for townships and other local governments is 250% of their borrowing base, unless the voters approve additional debt.

In the realm of taxation, property tax rates are controlled by municipal codes in each municipality in Pennsylvania. For earned income taxes, the **Local Tax Enabling Act (P.L.1257, No. 511)** sets the limits for local governments. Under this act, the earned income tax rate is capped at 1.0%, unless the voters approve additional taxation.

Do You Need a Referendum?

If the proposed open space financing does not put a local government over its statutory debt or tax limits, there is no need for a referendum (although open space acquisitions must still be carried out according to the appropriate Pennsylvania municipal codes). If the proposed financing will cause the local government to exceed its tax or debt limits, voter approval through a referendum is required. And a referendum may still be desirable even if a municipality is below its statutory debt and tax limits, if the municipality plans to incur additional debt or raise taxes in the future.

Authority to conduct the referendum and incur electoral debt is found in both Act 153 and the Local Government Unit Debt Act. If a referendum is carried out pursuant to Act 153, the money will need to be spent under the rules laid out in Act 153 (described in the previous section). Some municipalities have decided to hold open space bond referenda under the more general authority of their municipal codes and the Local Government Unit Debt Act, instead of Act 153. Until the judicial system resolves the issue of which statute controls in this situation, it may be prudent to follow the more specific Act 153.

The Referendum Process

The method for placing a referendum question on a ballot is set forth in the **Pennsylvania Election Code (P.L. 1333, No. 320)**. First, the supervisors or county commissioners must pass an ordinance to have the question placed on the ballot. For tax measures, the ordinance is then filed with the county board of elections at least 13 Tuesdays before the next primary or general election. The question for approval of a dedicated tax must be phrased in the following words:

> *"Do you favor the imposition of a [describe the tax in millage or rate] by [local government unit] to be used to [purpose]?"*

For a debt referendum, the question must be submitted to the county board of elections at least 45 days in advance of the election and be phrased substantially as follows:

> *"Shall debt in the sum of [amount] dollars for the purpose of financing [describe purpose] be authorized to be incurred as debt approved by the electors?"*

It is also necessary to publish election notices in local newspapers and legal journals beginning no earlier than three weeks before the election, but no later than two weeks before the election.

For both tax and debt referendum questions, the purpose should be described carefully so that the intent is clear to the voters and so that it authorizes all of the intended activities.

An example might be "... for the acquisition of land and conservation easements for open space, recreation and the preservation of farmland." Of course, each referendum question must be customized to fit the situation at hand. (For model ballot language, see Appendix C.)

No petition or other action is legally required for municipal officials to put a question on the ballot. If officials are hesitant to undertake an open space funding initiative, proponents may gather signatures or conduct a poll to help demonstrate public support for the issue.

Enabling legislation

The approval of a referendum question by the voters is a wonderful accomplishment, as it shows true grass roots support for open space financing. But the victory is not yet won: *approval by the voters is not binding on elected officials*. A successful referendum is a necessary step if the elected officials are planning to exceed taxation or debt limits, but the approval of the voters by itself does not cause the tax to be implemented or the debt to be incurred. In all cases, the elected officials must pass an ordinance in order to enact the proposed financing. (For examples of enabling ordinances, see Appendix C.)

IV. Steps to a Successful Referendum

To open space advocates, the need for open space funding may appear so compelling and obvious that they expect a referendum to sell itself. While it is true that voters nationwide are approving open space referenda in increasing numbers, referendum organizers cannot afford to be complacent. Some referenda fail. Fortunately, there are steps that can be taken to improve the chances of success.

Perhaps the most important key to a successful campaign is time. Proponents should launch open space campaigns well in advance of the vote. They need time to build well-rounded coalitions, gather information, poll residents, get measures on the ballot, and communicate with the public. (For a timeline that outlines the recommended steps and their approximate timing during a campaign, see Appendix D.)

Some rules of thumb from successful referendum campaigns:

1. This is a political process. Expect the same amount of work, fundraising, organizing, and debate as you would for any other political campaign.
2. Organize early. Allow at least six months. One year is strongly recommended.
3. Prepare your message, keep it simple and stick to it.
4. Focus on the benefits (and costs of not approving the referendum) that will resonate with the voters.
5. Build broad support early on. Keep local elected officials informed and supportive.
6. Make key players think approval is *inevitable*.
7. Look out for organized opposition.
8. Fundraise early!

Organizing the Campaign and Building Support

Public support for preserving and improving park, recreation, and natural resources is essential. Equally essential is a well-organized and committed group of individuals to develop and promote the referendum. While every campaign is unique, successful campaigns share some common components, which are outlined below.

"Voters responded to the key issues...sprawl, highway congestion, and the effects of rapid growth."

Tom Kerr, Wildlands Conservancy

Citizens Advisory Committee

Early in the campaign, and well before the specifics have been developed, a citizens advisory committee should be formed representing a broad-based coalition of supporting organizations. Members will help with fundraising, strategy, and endorsements. The committee should include a wide array of representatives from the public and private sectors, including the following interests:

- Parks and recreation
- Farmers
- Natural resources, conservation, and wildlife
- Senior citizens and youth groups
- Urban development and planning
- Local government
- Certain builders, developers, and realtors
- Business leaders – particularly major employers and small business representatives
- Bankers and other financial experts
- Media leaders and influential citizens

The advisory committee should set a schedule to meet regularly throughout the development of a measure. Its mission should be clearly stated and the campaign director should work to maintain the committee's focus.

Staffing the Campaign

Whether paid professionals or volunteers, campaigns require staff, and it is important to find the right people for the right jobs. Depending on the resources available, a campaign could be run by a seasoned campaign manager, the township Environmental Advisory Council (EAC) or Open Space Committee, a group of volunteers, members of the citizens advisory committee, or a combination of these groups. Other important positions include fundraising/finance coordinator, treasurer, press secretary, and volunteer coordinator.

Public officials and employees should be cautious about their level of involvement in the grassroots campaigning effort. A public official may legitimately endorse a referendum and help to educate the public on the issues, and municipalities frequently use public funds to pay consultants for technical advice. But the line between non-partisan research and education activities and partisan advocacy can be a blurry one. When in doubt, consult with legal counsel or the Pennsylvania Ethics Commission.

> All participants in a referendum campaign, whether public officials or individual volunteers, need to comply with Pennsylvania's Campaign Expense Reporting Law (25 P. S. §§ 3241-3260b.) Under this statute, any group or individual that accepts more than $250 worth of contributions or spends more than $250 to influence the outcome of a referendum must register as a Political Action Committee (PAC) with the county board of elections and submit reports documenting expenditures and contributions. Campaign materials generated by the PAC should indicate that donations are not tax deductible for income tax purposes.

Budgeting and Fundraising

Once a campaign strategy is in place, referendum organizers should develop a budget which will include salaries and consulting fees, if any, overhead and supplies, printing and postage, legal advice, and travel expenses. In most cases, it will become clear that additional funds will be needed to implement the campaign strategy. In order to attract significant contributions, referendum organizers will need to maintain precise budgeting and accounting of expenditures and develop a plan for contacting potential donors. Donor solicitations may include personal contacts, direct mail, and fundraising events. Free press and volunteers can go a long way, but money will increase the odds of success considerably. Before an open space measure reaches the public, campaign leaders should evaluate the level of financial support available from the community.

Research–Designing a Measure the Voters Will Approve

The most critical step in the referendum process is learning what the voters want. Whenever possible, referendum organizers should conduct thorough research and public opinion polling. This process helps proponents decide if the time is right to seek public funding and, if so, what size and type of measure voters will accept. Research is the first step toward passage of an open space funding mechanism. It is important to understand the open space financing options, how much revenue each option is capable of generating, and the potential impact of each option on residents, businesses and consumers in the community. It is also a good idea to examine the track record of fiscal and environmental, measures in the community and neighboring jurisdictions. Finally, proponents should be aware of competing priorities and relevant economic, environmental, and political issues.

Determining the best time to seek voter support involves a number of considerations including turnout projections, competing measures, and open political seats, not to mention the costs, particularly for a special election. Choices are often between low turnout elections that may not bring out enough supporters, and general elections where the measure could be lost or dragged down by competing spending measures on the ballot. To determine the most appropriate ballot on which to place the measure, study poll results, review historic voting patterns and results, and find out what other potential measures will be on the ballot.

How Much Do You Need?

Municipalities use different methods to arrive at the dollar amount or tax rate they propose for open space funding. Most start with a goal of how much land they'd like to preserve, and an estimate of how much it would cost to pay for those acquisitions. This estimate can then be adjusted, based on research, to take into account what township residents are willing to pay. No matter how you arrive at the final figure, it is important to be able to justify the amount to the voters.

Polling

A well-designed and well-executed public opinion poll can lead to a ballot measure that truly reflects the public's conservation priorities. For example, poll results may show that open space protection is a top priority for voters, and may further reveal why it is important to different groups. Perhaps preventing urban sprawl is the top priority among voters 40 and under, and preserving a legacy of land for children scores highest for voters 60 and older. This information will help to guide the creation and delivery of targeted messages. By including questions about potential supporters of the measure, polling data can also guide the selection of partners and campaign spokespersons.

Second, a poll can reveal how much voters will spend. A successful $3 million measure will protect much more land than a losing $10 million measure. That is why it is essential to determine the level of taxation or debt that voters are willing to approve before the measure is placed on the ballot.

Polling can help to determine the best time to seek voter support. Although progressive community leaders may be eager to put parks and open space measures on an upcoming ballot, a poll may show that voters lack the same enthusiasm. Postponing a ballot measure in order to build public support for open space can be the best way to ensure eventual success.

"We could have saved the Earth but we were too damned cheap."

Kurt Vonnegut Jr.

Steps to a Successful Referendum

Picking a Pollster

Keep in mind that a poll is only as good as the investment that is made in it. Without careful research and the guidance of a professional pollster and political consultant, polls can hurt as much as help. A pollster is responsible for designing poll questions, selecting the sample, conducting the survey, and interpreting results. To find the right pollster consider the following:

- Professional experience with environmental and/or conservation ballot measures.
- Willingness to provide advice throughout the campaign.
- The firm's references and workload.

Talk to several before choosing. In all cases, be sure to outline the agreement in a written contract.

Prices can vary considerably depending on the pollster, the size of the sample, and the length of the questionnaire. A well-designed telephone survey can range from $10,000 to $12,000 for a 15-minute poll with a sample size of 300 and up to $30,000 for a 20-minute poll with a sample size of 800. (As a general guideline, a poll should have a sample size of at least 300. If there is only one poll planned, experts recommend testing at least 400 people to get meaningful information.)

If the price of a professional poll overwhelms your fundraising capacity, it may be possible to get a local university's public policy program to conduct a poll as a project for students. The drawback of this option is that the university's timetable and goals for the poll may not mesh well with those of the campaign. Campaign organizers can also conduct an informal poll, for example, by setting up a table at a local supermarket or at a community festival. Such an approach will, at the minimum, allow a rough sense of public opinion, but such an unscientific approach leaves the door open to criticism from opponents of the campaign who may contest the validity of your results.

Developing the Message and Strategy

A campaign must explain clearly what is being proposed and how individuals and interest groups will benefit. Most likely this will mean communicating several key messages through different channels and to different targeted audiences. An open space plan, which clearly states the community's goals for its open space resources and how they will be protected, is extremely important. Again, polling data will be useful in deciding which groups are most important to winning the campaign, what messages resonate with these groups, and the best strategy for reaching them. The campaign must also alleviate voters' concerns and address potential opponents of the measure. For example, the campaign should emphasize that open space financing will include fiscal safeguards to guarantee that funds will be spent as promised. Transparency or openness is critical with regard to the criteria for selecting properties, the procedures for land acquisition, the administration of the program, and maintenance of the acquired lands.

Outreach will likely include some combination of direct mail, paid and free media, advertising, public education materials, lawn signs and billboards, phone banks, and special events. Message materials should include:

- A summary explaining the measure and stating public need
- Answers to frequently asked questions
- A breakdown of funds provided by the measure
- A description (general or specific) of projects to be funded by the measure
- Other relevant background information
- A list of influential supporters or endorsements

In Appendix E, you will find a sample of a flyer that was mailed out to residents of Upper Makefield, Bucks County, as part of that township's successful campaign for $15 million in open space funding. Local land trusts may be a good source of ideas for talking points and message ideas.

The Trust for Public Land's website is a good source of information for strategies for creating a compelling message: www.tpl.org. For additional message ideas, see The Biodiversity Project's website: www.biodiversityproject.org/messagekit.htm.

"We cannot solve the problems we have created with the same thinking that created them."
Albert Einstein

V. Case Studies

Upper Makefield Township

Upper Makefield Township is a prosperous community on the banks of the Delaware River in eastern Bucks County. It has long been a desirable place to live because of its historic country charm (including Washington's Crossing historic park) and proximity to Interstate 95 and Philadelphia. An old, narrow bridge connects the village of Washington's Crossing in Upper Makefield to a village of the same name in Hopewell Township, New Jersey. In 1997 Merrill Lynch began planning an office campus for 10,000 workers in Hopewell Township. The prospect of this influx brought concern about additional development pressure on an already growing community. The township had passed a $6 million open space bond referendum in 1996, but it was clear that this money would be insufficient to reach the community's goals for open space preservation, especially in light of high and climbing real estate prices.

The township's Environmental Advisory Council (EAC) calculated the total remaining undeveloped, unprotected acreage in the township in parcels of 25 acres or more. The EAC then estimated what percent of this open space might realistically be protected through conservation easements or acquisition and arrived at a target number of acres for protection. This target number was multiplied by an estimated average price per acre (for easements and acquisition) to arrive at a total goal for the open space campaign of $15 million. In public meetings and mailings, the referendum organizers presented a clear picture of the costs and benefits of the bond issue to members of the community. They were able to point to successful land acquisitions under the first bond issue as an example of the results that could be achieved with additional funds. Prior to the referendum campaign, the township had developed an open space plan that established mechanisms for administering the open space program and clearly set forth criteria for selecting parcels for protection. Through the planning process, the public had ample opportunity to comment on the plan and become educated on the rationale for protecting open space.

"The purpose of conservation: The greatest good to the greatest number of people for the longest time."
Gifford Pinchot, U.S. Forest Service

In 2000, the measure faced political opposition from a no-new-taxes advocate, but the voters found arguments in favor of the referendum more compelling. Of those who voted on that issue, 68 percent voted to approve the $15 million debt referendum. To date, voters approved two referenda for $21 million and the township has taken out a series of bank loans for a total of $16.5 million. That money was leveraged with county and state grants for open space and farmland preservation.

Amity Township

In May 2002, Amity Township in Berks County held a referendum on a proposed open space tax measure. The measure was to have increased the earned income tax by 0.25%. The township's supervisors supported the measure, and two public meetings were held to explain the benefits of open space preservation. Shortly before the election, however, an organization, allegedly backed by a home builders association and calling itself "Taxpayers Against the Referendum," initiated a mail and phone campaign against the referendum. The township had begun the campaign only a few weeks earlier, leaving relatively little time to educate the voters, get feedback from the community, or counter the opposition campaign.

Taxpayers Against the Referendum argued that the measure should be rejected because the township had not yet established specific criteria for selecting properties, and because the tax would presumably go on indefinitely even if there were no open space left to acquire. The organization also intimated that the earned income tax proposal would somehow raise property taxes for senior citizens and weaken public services. While these assertions were not backed with solid evidence, they were apparently sufficient to raise the concerns of many township residents. Voters came out in unusually large numbers on election day, in spite of the fact that it was a primary election and many of the candidates were running unopposed. The open space tax was rejected by a margin of two to one.

Springfield Township

In 2000, Springfield Township, a semi-rural township in upper Bucks County, attempted to pass a $3 million open space bond and 0.25% earned income tax (EIT) simultaneously. Proponents of the measure felt that 0.25% was the most that township residents would accept, and they calculated that the stream of revenue from such an increase would likely support about $3 million in debt. The township had little outstanding debt and could have undertaken a bond of this size without voter approval, but referendum organizers saw an opportunity to secure explicit public support for new debt and to preserve the township's borrowing capacity for other projects.

The measures quickly became entwined in the race then under way for township supervisor. Adding to the controversy, the bond measure became associated with rumored plans to acquire a former garbage dump, a longtime environmental problem in the township, and convert it into a golf course. Despite the controversy, opinion in the community still ran in favor of preserving open space. This sentiment was strong enough to pass the EIT, but the bond measure failed. Since the township was not close to its debt limit, it still may borrow to acquire open space if the supervisors see fit. The EIT increase is expected to bring in over $230,000 per year. To date, the township has preserved several properties by using these revenues to leverage county matching grants.

The Job Well Done

The protection of important land resources in a community is not a small or easy task. But the preservation of important lands helps establish a desired quality of life, not only for current residents and businesses, but also for those in the coming years. Land preservation is an investment, not an extravagant expense.

As described in this report, a land protection program should incorporate a number of fundamental principles:

- The method of financing must be adequate to achieve the community's land preservation goals and should be chosen to have minimal financial impact on the members of the community.

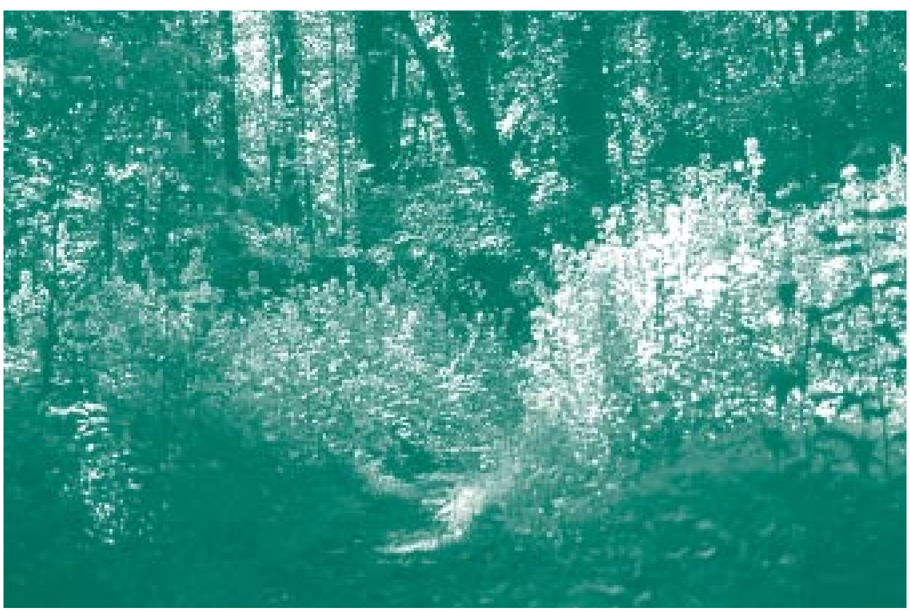
- The provisions of Pennsylvania statutes, which authorize municipalities to raise tax dollars for open space and farmland preservation, must be met.

- A successful referendum campaign is one that provides the public with all the information needed to understand what lands would be preserved, how the money would be raised, and how the tax is likely to impact the average household. A well structured campaign includes sufficient lead time to clearly get these messages into public discussion.

- Those involved in a well designed campaign learn from the mistakes and successes that other municipalities have experienced, but they tailor the campaign to the temperament and capabilities of their own community.

The campaign must be defensible in response to those who would challenge the preservation efforts. As in any investment program, land preservation must be undertaken properly to ensure it is entered into wisely and, as best as possible, protected from potential loss or degradation.

Preserved land is a long-term investment. Balance can achieved between new development and valued community resources. As in any task worth doing, it is worth doing properly. It's only the community's future and quality of life that will be affected.



Appendix A

Appendix A

Local Open Space Finance Measures

Note: For more information about a specific measure, contact the government officials in that county or municipality.

Municipal Bonds and Other Appropriations for Open Space Programs		
Municipal Level (County)	**Amount Raised**	**Year Approved**
Bedminster Township, Bucks	$2.5 million 2.5 million	1997 2002
Buckingham Township, Bucks	4.0 million 9.5 million	1995 1999
Centre Township, Berks	0.5 million	2002
Charlestown Township, Chester	2.1 million	2000
Doylestown Township, Bucks	3.75 million	1991
Lower Gwynedd Township, Montgomery	2.0 million	1994
Lower Makefield Township, Bucks	7.5 million 7.5 million	1998 1998
Lower Merion Township, Montgomery	1.885 million	1994
Lower Providence Township, Montgomery	3.1 million	1994
Middletown Township, Bucks	0.325 million	1998
Middletown Township, Delaware	5.4 million	1987
New Britain Township, Bucks	2.5 million	1996
Nether Providence Township, Delaware	2.8 million	1996
Newtown Township, Bucks	1.1 million 1.65 million	1998 1998
Northampton Township, Bucks	5.0 million	1998
Patton Township, Centre	2.5 million	2001
Plumstead Township, Bucks	4.0 million 6.0 million	1996 2001
Radnor Township, Delaware	10.0 million	1996
Richland Township, Bucks[1]	4.0 million	2002
Solebury Township, Bucks	4.0 million 10.0 million 12.0 million	1996 1999 2002
Tredyffrin Township, Chester	8.0 million	1996
Upper Makefield Township, Bucks	6.0 million 15.0 million	1996 2000
Upper Providence Township, Delaware	6.0 million	2003
Upper Southampton Township, Bucks	2.0 million	2002
Warrington Township, Bucks	2.1 million	1995
Warwick Township, Bucks	1.5 million	2000
Whitpain Township, Montgomery	10.0 million	1999
Wrightstown Township, Bucks[1]	1.5 million 1.5 million	1995 2002
Total Municipal Dollar Appropriations:	**$171.71 million**	

[1]Bond in conjunction with another tax measure

Earned Income, Real Estate, or Realty Transfer Taxes		
East Bradford Township, Chester	0.125 percent earned income tax 0.125 percent earned income tax	1998 2000
East Brandywine Township, Chester	0.125 percent earned income tax	2002
East Marlborough Township, Chester	0.2 mills real estate tax estimated to produce $95,000 per year	1999
East Nantmeal Township, Chester	0.25 percent earned income tax	2003
East Rockhill Township, Bucks	0.125 percent earned income tax estimated to produce $80,000 per year	1999
East Vincent Township, Chester	0.1325 percent earned income tax estimated to produce $180,000 per year	2002
Franconia Township, Montgomery	0.25 percent earned income tax estimated to produce $425,000 per year	2001
Franklin Township, Chester	0.5 mill real estate tax estimated to produce $125,000 per year	2002
Halfmoon Township, Centre	2 mills real estate tax estimated to produce $100,000 per year	1999
Hilltown Township, Bucks	0.25 percent earned income tax estimated to produce $640,000 per year	2000
London Britain Township, Chester	$20 per $100,000 real estate tax estimated to produce $35,000 per year	2000
Milford Township, Bucks	2 mill real estate tax estimated to produce $43,000 per year	1997
New Britain Township, Bucks	0.125 percent earned income tax estimated to produce $345,000 per year	2000
North Coventry, Chester	0.25 percent earned income tax estimated to produce $300,00 per year	2002
Radnor Township, Delaware	0.25 percent realty transfer tax estimated to produce $335,000 per year	1995
Richland Township, Bucks[1]	0.1 percent earned income tax	2002
Skippack Township, Montgomery	0.25 percent earned income tax estimated to produce $310,000 per year	2001
Springfield Township, Bucks	0.25 percent earned income tax estimated to produce $232,500 per year	2000
Stroud Township, Monroe	0.25 percent earned income tax estimated to produce $600,000 per year	2001
Tinicum Township, Bucks	0.25 percent earned income tax and a 2 mill real estate tax	2002
Warwick Township, Chester	0.25 percent earned income tax estimated to produce $80,000 per year	2003
West Rockhill Township, Bucks	0.125 percent earned income tax estimated to produce $130,000 per year	2000
West Vincent Township, Chester	0.49 mill real estate tax estimated to produce $145,000 per year	2002
Willistown Township, Chester	0.125 percent earned income tax	1999
Wrightstown Township, Bucks[1]	0.15 percent earned income tax	2002

County Bonds	Amount Raised	Year Approved
Berks County	$ 30.0 million	1999
Bucks County	3.5 million 59.0 million	1994 1996
Chester County	50.0 million 75.0 million	1997 1999
Lehigh County	30.0 million	2002
Monroe County	25.0 million	1998
Montgomery County	100.0 million	1993
Northampton County	10.0 million 37.0 million	2000 2002
Schuylkill County	0.65 million	2000
Total County Dollar Appropriations:	**$420.15 million**	

Appendix B

Appendix B: A Primer on Municipal Debt

Characteristics of Municipal Borrowing

General Obligation Debt. Debt issued for open space acquisition is almost always general obligation (GO) debt. GO debt is essentially debt taken out by a government against the taxable value of its property. This debt is secured by the jurisdiction's full faith and credit and taxing power to make timely payments. GO debt requires either voter approval or legislative approval, or sometimes both. Interest charges also add to the price of the project, and debt ceilings limit the amount of bonds a community can issue. There is generally stiff competition for GO debt among many local programs in need of financing.

Tax-Exempt Interest. Investors who buy obligations of local governments accept lower interest rates because the interest they receive is exempt from federal and state income taxes. The federal government strictly regulates the use by local government of tax-exempt obligations, which include bonds, notes, leases, and installment-purchase agreements. In order for the interest on municipal obligations to qualify for tax exemption, the following criteria must be met:

- **Use of proceeds.** Tax-exempt obligations generally must benefit public (rather than private) purposes. For example, a local government can sell bonds to buy land from a property owner for a park, but that park cannot then be leased to a private corporation or other entity for its exclusive use.

- **Timing of use.** Proceeds from the issuance of tax-exempt obligations generally must be spent within three years of borrowing. Money not spent within this time must be used to redeem outstanding obligations or invested at a yield no greater than that on the tax-exempt obligations.

- **Arbitrage rebate.** Earnings generated by borrowing at low tax-exempt interest rates and investing at higher taxable rates are called arbitrage. Unless proceeds of tax-exempt obligations issued for open space preservation are spent for land acquisition within 18 months of borrowing, a local government that borrows more than $5 million of new money annually must rebate to the Internal Revenue Service all arbitrage earnings on such proceeds.

Term and Repayment of Borrowing

When a local government borrows money, it obligates itself to repay that money pursuant to a schedule of principal and interest due over a period of years. Most debt amortization schedules resemble payments on home mortgages, with level payments that are comprised in the early years mostly of interest and in later years mostly of principal. Payments on bond issues are semi-annual, and payments on bank loans can be monthly, quarterly, or semi-annual.

Obligations that are amortized over longer periods carry higher interest rates than those maturing over shorter periods. Despite higher rates for longer-term debt, spreading payments over more years lowers the annual payment required to amortize that debt. It is usually most economical for municipalities to schedule payments over the shortest period within which they can afford to budget annual payments, although some choose to extend the repayment period in order to further spread the cost out over time. Most tax-exempt obligations have amortization periods in the 15 to 25-year range.

Obligations that mature in a relatively short time frame (generally two to five years) are referred to as notes. Notes are often structured to provide that all principal comes due in a lump sum at maturity, rather than in installments as part of an amortization schedule. Municipalities generally issue short-term obligations when they expect to be able to retire the debt in a short time frame. In many cases, instead of paying off the debt at the end of the term with revenues, the municipality refinances it with the proceeds of a second, longer-term obligation. A municipality might use this strategy if interest rates are currently high, but are expected to fall in the future.

Short-term obligations generally have the advantages of lower issuance costs, lower interest rates, and more favorable terms in cases where the borrower decides to pay off the debt before maturity. Short-term obligations are not always appropriate, however. If a municipality intends to pay off the debt over a longer period, the cost of refinancing a series of short-term obligations may be greater than the cost of a single, long-term obligation.

Players in the Process of Borrowing

When local governments borrow for any capital purpose the process is a highly choreographed effort involving numerous players. The persons who will act as catalysts for local government financing of open space need to know the players and their roles in order to influence the course of events.

Bond counsel. A local government's legal staff or local attorney typically does not have the expertise to prepare the legal documentation for a borrowing or to provide an opinion as to its legality or tax-exempt status. Therefore, local government officials frequently rely upon the advice of specialized attorneys with expertise in the laws and regulations affecting tax-exempt obligations. Investors will buy tax-exempt obligations only if they receive an opinion from a reputable bond counsel that the obligations are legal, valid, and binding and that the interest paid on them is exempt from state and federal income taxes.

Underwriter. An underwriter is typically an investment banking firm that agrees by contract to purchase an entire issue of bonds or notes that a local government seeks to market at a set price and fixed interest rate, regardless of whether the firm is able to resell those obligations to investors. The underwriter then sells the local government's obligations to individual and institutional investors, often through the firm's network of brokers. In a negotiated sale, the underwriter has been given the exclusive right by the local government to negotiate the terms of the offering and, if negotiated successfully, to sell the offering to investors. In a competitive sale, the local government unit takes bids on the offering from competing underwriters.

Financial advisor. In the same way that bond counsel provides specialized expertise regarding bond law, many local governments use a firm or an individual to provide financial expertise regarding the debt markets and the structuring of the transaction. For municipalities pursuing a bond issue, the underwriting firm may also provide this service to issuers in the absence of a financial advisor. However, local government officials may feel that the advice of underwriters is biased because an underwriter's first priority is to sell bonds to its customers. Over the last ten years, municipalities across the country have increasingly turned to independent financial advisory firms whose only business is assisting local governments with capital financing. Such firms offer bond market expertise without the conflict of interest that may characterize advice from underwriters.

Regional finance authorities. Municipalities may be able to save on financing costs by turning to a regional finance authority, such as the Delaware Valley Regional Finance

"Buy land. They ain't making any more of it."
Attributed to Will Rogers

"In the end, we will conserve only what we love. We will love only what we understand. We will understand only what we are taught."
Baba Dioum

Authority (created by Bucks, Delaware, Montgomery, and Chester Counties). The finance authority borrows funds in large amounts and re-lends the proceeds to municipalities in smaller amounts. In this way the finance authority is often able to offer municipalities a better interest rate than they could find on their own.

State oversight agencies. In Pennsylvania, the Department of Community and Economic Development (DCED) must approve new debt issued by local governments. The review process, which takes 20 days, assures that the borrowing is in compliance with the law.

Rating agencies. Three firms based in New York – Moody's Investors Service, Standard & Poor's Corporation, and Fitch Ratings – rate obligations of local governmental units. Investors rely on these ratings as an indication of the quality of the issuer and the borrowing. Some municipalities obtain ratings from just one of the firms, some two, and a few obtain ratings from all three. Utilizing professional experience along with public rating agency criteria, a financial advisor can assist a local government in obtaining a rating or ratings for its issue.

The rating agencies are increasingly sensitive to quality-of-life issues when reviewing municipal credits. The rating of Howard County, Maryland was upgraded to "AAA" (the highest possible rating) in part, according to Fitch Ratings, because the county's farmland preservation program minimized the need for other capital financing, such as roads and sewers, and made the county a more desirable place to live.

Municipal Bond Insurers. Most issuers with "A" ratings or lower, and some "AA" rated issuers, choose to purchase municipal bond insurance. Insuring a bond can raise its rating to "AAA." The issuer's financial advisor can usually demonstrate that the one-time insurance premium is more than offset by the reduction in interest rates resulting from the improved rating. If this savings cannot be demonstrated, then insurance is not utilized.

Investors. Over $250 billion of tax-exempt obligations are sold throughout the United States by state and local governments and their agencies each year. Securities markets of this size attract numerous investors. Investors in local governmental obligations are generally motivated by the need for federal, and possibly state, tax-exempt income.

The Bond Sale Process

The process of borrowing begins with the local government making preliminary decisions regarding the terms of the issue. Such decisions involve identifying specific uses for proceeds, determining when to sell securities based on needs and market conditions, evaluating whether a competitive or negotiated sale will result in the lowest overall costs, and establishing the structure (term, principal amortization, optional redemption provisions and interest payment dates) of the issue. A borrower's financial advisor typically assists in evaluating such alternatives and makes recommendations.

After terms have been established, documentation proceeds. In addition to legal documents drafted by bond counsel, the issuer or its financial advisor prepares an official statement that discloses all information that an investor needs to know about the issue and the borrower. After initial review, drafts of such material are submitted to the rating agency or agencies chosen to rate the bonds. The rating process may involve meeting with agency analysts, either on-site or in New York City, to make the case in person for the highest possible rating.

When ratings have been promised or are in hand, a preliminary official statement is distributed to potential investors in the securities. Depending on the method of sale, investor interest is then solicited either by the underwriting firm that is negotiating the sale with the issuer or by potential underwriters who intend to bid on the securities competitively. Interest rates are then established based on investor interest and market conditions, the issuing government enacts an ordinance to issue the debt, documentation is completed, and the securities are exchanged at the closing for the underwriters' cash.

The financing schedule can be as compressed or attenuated as the issuer requires and applicable law permits. Once an issuer has made the decision to proceed with a borrowing and drafts of documents are available, the process can often be completed in six weeks. However, problems that occasionally arise – with ratings, with the market, with the local government – can extend the process considerably beyond a six-week period.

Alternative Financing Techniques

Lease/Purchase Contracts

Lease/purchase contracts can be used when a decision has been made to buy a property, but up-front funds are unavailable. Under such an arrangement, acquisition can be paid for in periodic payments, or installments, that include principal, interest,and associated costs. The contract can grant possession or use of the property before it is officially acquired. These contracts do not necessarily bind a government to a purchase; often, this is not legally feasible. Most governments can, however, enter into a conditional agreement to pay principal and interest subject to annual appropriation.

In general, the economic effect of a lease/purchase is similar to that of a bond, but the arrangement is structured so that it does not violate any constitutional limitations on borrowing or affect the debt ceiling. One drawback is that the more complicated a transaction is, the higher the transaction costs, unless these are offset in other ways. And, although some landowners will prefer delayed taxation, others may not be willing to wait for their money over a period of years.

Installment Purchase Agreements

Installment Purchase Agreements (IPAs) provide another mechanism for financing open space purchases. With an IPA, the government puts the purchase price into a tax-free annuity instead of giving the money directly to the landowner. The landowner receives tax-free interest from the annuity for a fixed number of years (usually 20 or 30), and then at the end of the period the full amount of the principal is transferred to the owner. In this way the landowner postpones the taxation of the principal amount, and in the interim, receives tax-free payments semi-annually. The municipality purchases bonds (usually Treasury bonds) to cover the payments.

Appendix B

Sample Township Fiscal Impact Calculations[1]

Summary of Financing Options – Fixed Rate Bond Issue

	Amortization		
Amount Issued	20 Years	25 Years	30 Years
$1 Million			
Annual Debt Service	$77,159	$69,357	$64,192
Total Interest	$543,173	$733,935	$925,761
Annual Millage Impact[2]	0.2385	0.2144	0.1984
$2 Million			
Annual Debt Service	$154,317	$138,715	$128,384
Total Interest	$1,086,345	$1,467,870	$1,851,522
Annual Millage Impact[2]	0.4770	0.4288	0.3968
$3 Million			
Annual Debt Service	$231,476	$208,072	$192,576
Total Interest	$1,629,518	$2,201,805	$2,777,283
Annual Millage Impact[2]	0.7155	0.6431	0.5953
$5 Million			
Annual Debt Service	$385,793	$346,787	$320,960
Total Interest	$2,715,863	$3,669,675	$4,628,805
Annual Millage Impact[2]	1.1925	1.0719	0.9921

Summary of Financing Options – Regional Finance Authority

	Amortization		
Amount Issued	20 Years	25 Years	30 Years
$1 Million			
Annual Debt Service	$70,970	$61,355	$55,089
Total Interest	$419,400	$533,880	$652,680
Annual Millage Impact[2]	0.2194	0.1896	0.1703
$2 Million			
Annual Debt Service	$141,940	$122,710	$110,179
Total Interest	$838,800	$1,067,760	$1,305,360
Annual Millage Impact[2]	0.4387	0.3793	0.3406
$3 Million			
Annual Debt Service	$212,910	$184,066	$165,268
Total Interest	$1,258,200	$1,601,640	$1,958,040
Annual Millage Impact[2]	0.6581	0.5689	0.5108
$5 Million			
Annual Debt Service	$354,850	$306,776	$275,447
Total Interest	$2,097,000	$2,669,400	$3,263,400
Annual Millage Impact[2]	1.0968	0.9482	0.8514

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[1]This sample table is one element of a larger analysis which compares different financing scenarios. For additional information, please contact Heritage Conservancy (215-345-7020) or Penn Capital Advisors (610-647-5487).

[2]Assumes one mill of real estate tax realizes $323,521.

Appendix B

Millage Impact – Fixed Rate Bond Issue

		Amortization		
Amount Issued		20 Years	25 Years	30 Years
$1 Million				
Millage Impact		0.2385	0.2144	0.1984
Smith Property	$150,000	$35.77	$32.16	$29.76
Jones Property	$325,000	$77.51	$69.67	$64.49
$2 Million				
Millage Impact	0.4770	0.4288	0.3968	
Smith Property	$150,000	$71.55	$64.31	$59.53
Jones Property	$325,000	$155.02	$139.35	$128.97
$3 Million				
Millage Impact		0.9540	0.8575	0.7937
Smith Property	$150,000	$143.10	$128.63	$119.05
Jones Property	$325,000	$310.05	$278.70	$257.94
$5 Million				
Millage Impact		1.1925	1.0719	0.9921
Smith Property	$150,000	$178.87	$160.79	$148.81
Jones Property	$325,000	$387.56	$348.37	$322.43

(1) Assumes one mill of real estate tax realizes $323,521.

Summary of Financing Options – Regional Finance Authority

		Amortization		
Amount Issued		20 Years	25 Years	30 Years
$1 Million				
Millage Impact		0.2194	0.1896	0.1703
Smith Property	$150,000	$32.91	$28.45	$25.54
Jones Property	$325,000	$71.29	$61.64	$55.34
$2 Million				
Millage Impact		0.4387	0.3793	0.3406
Smith Property	$150,000	$65.81	$56.89	$51.08
Jones Property	$325,000	$142.59	$123.27	$110.68
$3 Million				
Millage Impact		0.8775	0.7586	0.6811
Smith Property	$150,000	$131.62	$113.79	$102.17
Jones Property	$325,000	$285.18	$246.54	$221.36
$5 Million				
Millage Impact		1.0968	0.9482	0.8514
Smith Property	$150,000	$164.53	$142.24	$127.71
Jones Property	$325,000	$356.47	$308.18	$276.71

(1) Assumes one mill of real estate tax realizes $323,521.

Appendix C

Wording of the ballot question can be written in either legalize, as shown on this page, or to be user friendly, as shown on page 25.

Sample Ordinances – Ballot Question for Debt

RESOLUTION NO. ________

A RESOLUTION OF THE TOWNSHIP OF ___________, ___________ COUNTY, PENNSYLVANIA, SIGNIFYING ___________ TOWNSHIP'S DETERMINATION' TO INCUR ELECTORAL DEBT; CALLING AN ELECTION FOR THE PURPOSE OF OBTAINING THE VOTERS' ASSENT; AND APPROVING THE CONTENT AND SUBSTANTIAL FORM OF A NOTICE OF ELECTION

WHEREAS, ___________ Township, ___________ County, Pennsylvania desires to preserve open space and agricultural land in ___________ Township for the benefit of the residents of ___________ Township; and

WHEREAS, in furtherance thereof, ___________ Township desires to incur electoral debt in the amount of _________ Dollars ($________) for the purpose of acquiring open space; for the purpose of acquiring agricultural conservation easements; for the purpose of acquiring development rights and for the purpose of acquiring land for recreation; and

WHEREAS, ___________ Township desires to call an election to obtain the voters' assent for incurring such debt; and

WHEREAS, ___________ Township desires to approve the content and substantial form of a notice of election; and

WHEREAS, ___________ Township is authorized to incur electoral debt by the Act of July 12, 1972, P.L. 781, as amended, 53 P.S. Section 6780-101, et seq., and adopts this "desire resolution" pursuant to 53 P.S. Section 6780-101;

NOW, THEREFORE, be it, and it is hereby RESOLVED by the Board of Supervisors of ___________ Township as follows:

I. ___________ Township hereby determines that it is advisable to make an increase in the debt of ___________ Township with the assent of the electors, in the amount of ____________ Dollars ($_______), to be used to acquire open space; to acquire agricultural conservation easements; to acquire development rights; and to acquire land for recreation for the benefit of the residents of ___________ Township.

II. ___________ Township hereby calls an election, to be held on __________, for the purpose of obtaining the assent of the electors to incur the debt set forth in Section I of this Resolution.

III. ___________ Township hereby approves the following content and substantial form of notice of the election:

"___________ Township hereby calls an election for its registered electors to be held on Tuesday, ___________, to obtain the approval of the electors for ___________ Township to incur electoral debt, in the amount of _______________Dollars ($_______________) for the purpose of acquiring development rights and for the purpose of acquiring land for recreation. The estimated cost of the project is _________________ Dollars ($___________________). The question to be submitted to the voters at the election shall be substantially in the following form:

"Shall debt be authorized to be incurred as debt approved by the electors, in the amount of ______________ Dollars ($______________) for the purpose of financing the acquisition of open space; for the purpose of acquiring agricultural conservation easements; for the purpose of acquiring development rights; and for the purpose of acquiring land for recreation?"

YES **NO**

IV. ___________ Township hereby authorizes the appropriate Township officials and employees to take whatever steps are necessary to obtain the assent of the electors to incur the debt set forth in Section I hereof.

V. This Resolution shall be effective immediately upon its legal adoption.
RESOLVED this ___ day of _____, 200_.

ATTEST:

___________ TOWNSHIP BOARD OF SUPERVISORS

Ballot Question for Earned Income Tax

___________ TOWNSHIP ORDINANCE # ____

An Ordinance of the ___________ Township Board of Supervisors providing for a question to be placed before the voters of ___________ Township by a referendum at the general election of (date) asking whether the electors of ___________ Township favor the imposition of an additional Earned Income Tax at the rate of ____% by ___________ Township to be used for financing the acquisition of open space; for the purpose of acquiring forest and agricultural conservation easements; for the purpose of acquiring property development rights; and for the purpose of acquiring recreation or historical lands. The ballot question is authorized by Act 153 of 1996. The referendum shall read as follows:

"Do you favor the imposition of an additional Earned Income Tax at the rate of ____% by ___________ Township to be used for financing the acquisition of open space; for the purpose of acquiring agricultural conservation easements and for the purpose of acquiring recreation or historic lands?"

YES or NO

Plain English Version:
The ballot question asks the voters of ___________ Township whether the Township should impose an additional Earned Income Tax at the rate of ____% on an annual basis to purchase land or interests in land for preservation and conservation of open, undeveloped land in ___________ Township. The Township would use the money to do one (1) or more of the following:

1. Acquire agricultural conservation easements. The Township could purchase agricultural conservation easements, or participate in State or County land preservation programs that acquire agricultural conservation easements, an agricultural conservation easement allows the landowner to retain his/her land and use it for farming and other agricultural purposes.

2. Finance the acquisition of open space. The Township could purchase undeveloped land from landowners in the Township in order to protect sensitive natural areas such as woodlands, stream valleys or other unique natural resources or habitats.

3. Finance the acquisition of recreation or historic land. The Township could purchase undeveloped land from landowners in the Township for the purpose of developing additional recreational facilities for residents or for historic preservation purposes.

4. Acquire Property Development Rights. Under this option, a. landowner would sell the development rights of a property to the Township. The landowner would retain the property, but the property could not be developed.

A vote of "YES" to the ballot question approves the imposition of an additional Earned Income Tax at the rate of ____% upon Township residents for the foregoing purposes.

ENACTED AND ORDAINED this ___ day of ___, 200_.

Appendix C

Sample Enabling Ordinance for Debt

ORDINANCE NO. _______________

AN ORDINANCE INCREASING THE INDEBTEDNESS OF ___________ TOWNSHIP, ___________ COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF $_____________ FOR THE ACQUISITION OF OPEN SPACE; FIXING THE FORM, NUMBER, DATE, INTEREST AND MATURITY THEREOF; MAKING COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTS; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THIS NOTE; AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

WHEREAS, on __________________, the electors of ___________ Township approved the incurrence, by ___________ Township, ____________ County, Pennsylvania, of $___________ in electoral debt for the purpose of financing the acquisition of open space; and

WHEREAS, ___________ Township desires to incur $_____________ in electoral debt in order to pursue the acquisition of open space; and

WHEREAS, the proposed increase of debt, together with its nonelectoral indebtedness and its lease rental indebtedness presently outstanding, will not cause the limitations of ___________ Township's debt incurring power, pursuant to constitutional and statutory authority, to be exceeded;

NOW, THEREFORE, be it ORDAINED and ENACTED by the Board of Supervisors of ___________ Township, _______________ County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. That the aggregate principal amount of the Note of ___________ Township proposed to be issued is $_______________ same to be issued for the foregoing purposes and same to be incurred as electoral debt.

SECTION 2. The period of useful life of the improvements for which this obligation is to be issued is estimated to be in excess of ____ years.

SECTION 3. Said indebtedness shall be evidenced by one general obligation Note, in fully registered form, in the sum of $_______________ dated and bearing interest from the earliest date of possible issue of said Note under the statutory time requirements as set forth in the Act of General Assembly of the Commonwealth of Pennsylvania approved the 28th day of April, 1978, being Act 52 of 1978 Session, at the rate of interest of ______% [insert terms] until paid.

___________ Township reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payment dates thereof, without notice or penalty. The principal and interest of said Note shall be payable at the office of the sinking fund depository selected for the Note as hereinafter provided,

SECTION 4. The said Note is hereby declared to be a general obligation of ___________ Township. ___________ Township hereby covenants that it shall include the amount of debt service on the Note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts to the payment of such debt service; and shall duly and punctually pay or cause to be paid the principal of the Note and the interest thereon at the dates and places and in the manner stated in the Note according to the true intent and meaning thereof, and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of ___________ Township is hereby irrevocably pledged.

The amounts which ___________ Township hereby covenants to pay in each of the following fiscal years on the basis of an interest rate of ____% per annum [insert terms] are as set forth on Exhibit "A" hereto.

SECTION 5. The form of said Note shall be substantially as is set forth on Exhibit "B" hereto.

SECTION 6. The said Note shall be executed in the name and under the corporate seal of ___________ Township by the Chairman and Vice Chairman and attested to by the Secretary. The Treasurer is hereby authorized and directed to deliver said Note to the purchaser, and receive payment therefor on behalf of ___________ Township. The Chairman and Secretary of ___________ Township are authorized and directed to prepare, verify and file the debt statement required by Section 410 of Act 52 of 1978, and to take other necessary action, including, if necessary or desirable, any statements required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 7. [Name of institution] is hereby designated as the Sinking Fund Depository for the obligation herein authorized, and there is hereby created and established a Sinking Fund, to be known as "Sinking Fund 2002 General Obligation Note" for the payment of the principal and interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Treasurer shall deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment of principal and interest on the obligation no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, as and when said payments are due, without further action by ___________ Township withdraw available monies in the Sinking Fund and apply said monies to payment of the principal of and interest on the obligation.

SECTION 8. The Chairman and Secretary of ___________ Township are hereby authorized to contract with [Name of institution] for its services as Sinking Fund Depository for the Note and paying agent for the same.

SECTION 9. In compliance with Section 702 of Act 52 of 1978, the members of Board of Supervisors have determined that a private sale by negotiation rather than public sale is in the best interest of ___________ Township. Therefore, the general obligation Note in the amount of $________, herein authorized to be issued and sold is hereby awarded and sold to [Underwriter] in accordance with its proposal to purchase the said Note at par; provided the said Note is dated the date of delivery thereof to [Underwriter] and is in the form set forth in Section 5 of this Ordinance; and further provided that the proceedings have been approved by the Department of Community and Economic Development if such approval is required under the provisions of the Act.

SECTION 10. The action of the proper officers and the advertising of a summary of this Ordinance as required by law in [newspaper where public notice was printed], a newspaper of general circulation, is ratified and confirmed. The advertisement in said paper of the enactment of the ordinance is hereby directed within fifteen (15) days following the day of final enactment.

SECTION 11. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED and ENACTED this ____ day of ____, 200_.

ATTEST:

___________ TOWNSHIP BOARD OF SUPERVISORS

Sample Enabling Ordinance for Earned Income Tax

ORDINANCE NO. _______

AN ORDINANCE OF THE TOWNSHIP OF _________ IMPOSING A TAX ON EARNED INCOME AND NET PROFITS RECEIVED OR EARNED BY RESIDENTS OF _________ TOWNSHIP AND BY NONRESIDENTS FOR WORK DONE OR SERVICES PERFORMED THEREIN, AT THE RATE OF .__% SPECIFICALLY FOR THE PURPOSE OF LAND PRESERVATION PURSUANT TO ACT 153 OF 1996, THE OPEN SPACE LANDS ACT

The Board of Supervisors of _________ Township hereby enact and ordain:

Section 1. Incorporation of Statutes. The provisions of the *Open Space Lands Act, Act 153 of 1996, 32 P.S. .5001 et. seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, are incorporated herein by reference thereto. Additionally, the provisions of *Section 6913 of the Local Tax Enabling Act, P.L. 1257, No. 511, December 31, 1965, 53 P.S. 6901-24 (1982)*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, are incorporated herein by reference thereto; except to the extent that options are provided in said Section 6913, this ordinance designates the option selected, and except as and where hereinafter specifically provided otherwise.

Section 2. Imposition of Tax.
A. A tax for the purpose of retiring the indebtedness in purchasing interest in real property and for making additional acquisitions of real property for the purpose of securing open space pursuant to the *Open Space Lands Act, Act 153 of 1996, 32 P.S. 5001, et. seq.*, of .___% is hereby imposed on:

(1) salaries, wages, commissions and other compensation earned or paid on or after January 1, 200_ by residents of _________ Township; and on

(2) the net profits earned on or after January 1, 200_ of businesses, professions or other activities conducted by such residents.

B. Imposition of Tax on Nonresidents. A tax for the purpose of retiring the indebtedness in purchasing interest in real property and for making additional acquisitions of real property for the purpose of securing open space pursuant to the Open Space Lands Act, Act 153 of 1996, 32 P.S. 5001, et. seq., of .___% is hereby imposed on:

(1) salaries, wages, commissions and other compensation earned or paid on or after January 1, 200_, to non-residents employed in _________ Township; and on

(2) net profits earned on or after January 1, 200_ of businesses, professions or other activities conducted in _________ Township by nonresidents.

C. The tax levied under subsections A(l) and B(l) of this Section shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or on an employer's behalf to any person who is employed by or renders services to them. The tax levied under subsections A(2) and B(2) of this Section will relate to and be imposed on the net profits of any business, profession or enterprise carried on by any person as owner or proprietor, either individually or in an association with some other person or persons.

Section 3. Declarations, Returns and Payment of Tax.
A. Every taxpayer whose net profits are subject to the tax imposed by this ordinance shall file a declaration of their net profits for the current year and shall pay the tax due thereon in annual installment, all as provided in *Section 6913,III.A.(1)(I)* of the *Local Tax Enabling Act*, or estimated net profits for the current year and shall pay the tax due thereon in quarterly installments, all as provided in *Section 6913, III. A. (1) (ii)* of the *Local Tax Enabling Act*.

B. Every taxpayer whose earnings are subject to the tax imposed by this ordinance shall make and file final returns and pay the balance of the tax due, as provided in *Section 6913, III.B.* of the *Local Tax Enabling Act*.

C. Every taxpayer whose earnings are not subject to collection at the source, shall file quarterly returns and shall pay quarter-annually the amount of tax shown as due on such returns all as provided in *Section 6913, III.B.(2)* of the *Local Tax Enabling Act*.

D. The officer is hereby authorized to provide by regulation, subject to the approval of the _________ Township Board of Supervisors, that the return of an employer or employers, showing the amount of tax deducted by said employer or employers from the salaries, wages or commissions of any employee, and paid by him or them to the officer shall be accepted as the return required of any employee whose sole income, subject to the tax or taxes under this ordinance, is such salary, wages or commissions.

Section 4. Collection at Source. Every employer having an office, factory, workshop, branch, warehouse, or other place of business within _________ Township who employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, shall register with the officer, deduct the tax imposed by this ordinance on the earned income of their employee or employees and shall make and file quarterly returns and final returns and pay quarterly to the officer the amount of taxes deducted, all as provided in *Section 6913, IV. of the Local Tax Enabling Act*.

Section 5. Administration. The earned income tax officer shall be the same person or corporation appointed by the Board of Supervisors of _________ Township to collect the existing general revenue earned income tax.

Section 6. Interest and Penalties for Late Payment. If for any reason the tax is not paid when due interest at the rate of six percent (6%) per annum on the amount of said tax, and an additional penalty of one-half of one percent (1/2%) of the amount of the unpaid tax for each month or fraction thereof in which the tax remains unpaid, shall be added and collected. Where suit is brought for recovery of any such tax, the person liable therefore shall, in addition, be liable for the costs of collection and the interest and penalties herein imposed.

Section 7. Penalties for Violations.
A. Any person who fails, neglects or refuses to make any declaration or return required by this ordinance, any employer who fails, neglects or refuses to register or to pay the tax deducted from his employees, or fails, neglects, or refuses to deduct or withhold the tax from his employees, any person who refuses to permit the officer or any agent designated by him to examine his books, records, and papers and any person who knowingly makes any incomplete, false or fraudulent return, or attempts to do anything whatsoever to avoid the full disclosure of the amount of their net profits or earned income in order to avoid the payment of the whole or any part of the tax imposed by this ordinance, shall upon conviction therefore before any district justice, or court of competent jurisdiction, be sentenced to pay a fine of not more than five hundred dollars ($500.00) for each offense, and costs, and in default of payment, to be imprisoned for a period not exceeding thirty (30) days.

B. Any person who divulges any information, which is confidential under the provisions of this ordinance, shall, upon conviction therefore, before any district justice or court of competent jurisdiction, be sentenced to pay a fine of not more than five hundred dollars ($500.00) for each offense, and costs, and in default of payment, to be imprisoned for a period not exceeding thirty (30) days.

C. The penalties imposed under this section shall be in addition to any other penalty imposed by any other section of this or any other ordinance.

D. The failure of any person to receive or procure funds required for making the declaration or returns required by this ordinance shall not excuse him or her from making such declaration or return.

Section 8. Repealer/Interpretation. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, except that this Ordinance shall be construed as a supplement to the existing Ordinance ___ of _________ Township proposing an additional Earned Income Tax for open space purposes.

Section 9. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any other remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors of _________ Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 10. Effective Date. This ordinance shall become effective January 1, 200_, and it shall continue on a calendar year basis, thereafter, without annual reenactment.

ENACTED AND ORDAINED this ___ day of _______, 200_, by the Board of Supervisors of the Township of _________.

_________ TOWNSHIP BOARD OF SUPERVISORS

Appendix D

Suggested Campaign Calendar

Calendar for Open Space Funding Ballot Measure*

MONTH	Before beginning	6	5	4	3	2	1	0	+1
OPEN SPACE PLAN	Adopt Open Space Plan with property selection criteria, acquisition process							ELECTION DAY	
COMMITTEE		Establish leadership, recruit volunteers, legal advice on election laws	Identify consultants, engage community leaders		Arrange public meetings		Public meetings, organize Get Out the Vote, volunteers outside polling places		Thank supporters, promote implementation
RESEARCH		Research debt and tax options, election history	Research feasibility, spending tolerance						
FUNDRAISING		Identify funding sources, plan events	Fundraising events and appeals						
MEASURE DEVELOPMENT	Introduce concept to township officials		Propose amount, purposes, ballot title	Introduce specifics to township officials, finalize with solicitor	Supervisors adopt question, file with County Board of Elections (13 Tuesdays in advance for tax measure, 45 days for debt)				Supervisors adopt tax and/or debt measures
FREE MEDIA		Identify local media and develop contacts with reporters and editors, draft press releases			Generate articles and promote coverage, particularly in the weeks leading up to the election				
LITERATURE/ DIRECT MAIL		Identify type of publications desired (flyers, postcards, lawn signs, etc.) research publishing costs, schedules	Draft text, gather photos and graphics, do layout, and submit to printer		Introductory mailing to voters and/or announcement of public meeting schedule		Mail reminders, distribute lawn signs and posters		

*Based on the experience of a number of townships, the suggested time to prepare a successful ballot initiative is six months to a year. This timeline shows a minimum six month campaign.

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Appendix E

Sample Campaign Flyer

PROTECT OUR LAND AND PRESERVE THE UPPER MAKEFIELD WE LOVE

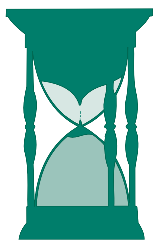
☑ VOTE YES! NOVEMBER 7 FOR OPEN SPACE

Published by the Upper Makefield Environmental Advisory Council and Heritage Conservancy

On election day, November 7, 2000, Upper Makefield Township citizens will be asked to vote on an Open Space Preservation Referendum authorizing the Board of Supervisors to borrow up to $15 million to help protect the township's quickly disappearing rural areas.

A RACE AGAINST TIME

We are running out of time to save our disappearing countryside. Although we've made a good start in protecting our community's irreplaceable lands, following the guidance of the township's Open Space Plan, many more acres of beautiful farmland, woods and stream valleys remain under severe development pressure.



WHY DO WE NEED $15 MILLION MORE NOW?

Funds generated by our first, overwhelmingly popular open space referendum in 1996 have preserved 610 acres from certain development, with protection of another 331 acres currently being finalized. But that $6 million bond issue is now completely allocated to current projects.

We must act now, or soon we will find ourselves with no more open land left to preserve in Upper Makefield.

SAVING LAND SAVES TAXES

The Board of Supervisors is now asking voters to support up to $15 million more for land preservation. This substantial fund will allow us to compete with developers and to purchase development rights from willing landowners before our unique lands succumb to urban sprawl. The money will be borrowed in increments over twenty years, costing the average Upper Makefield household roughly $512 per year over the life of the bond.

This is equivalent to lunch at McDonalds twice a week over this time period!!

After the life of a bond, the tax obligation stops.

Now compare: If the land the $l5 million would otherwise have preserved were gobbled up by development, the average Upper Makefield household's tax bill would also rise (to pay for additional fire, police, school, and other public services required by the new residents). Moreover, this increased tax burden would grow over time and remain with us permanently.

It is cheaper to buy land or development rights now than to let the land be used for new houses. This is because new developments cost more in public services than they pay in taxes.

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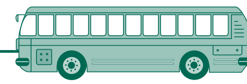
Appendix E

"A true conservationist is a man who knows that the world is not given by his fathers but borrowed from his children."

John James Audubon



Example with school taxes only:

Annual cost to Council Rock School District taxpayers to educate one pupil is $9,993.*

School taxes paid by the average household in Council Rock School District is $3,381.**

Thus, there is a cost deficit of $6,612 per student, per year, which is borne by all taxpayers.

* Year 2000 figures

** Local taxes (earned income, occupation, per capita, and real estate, but not including transfer tax)

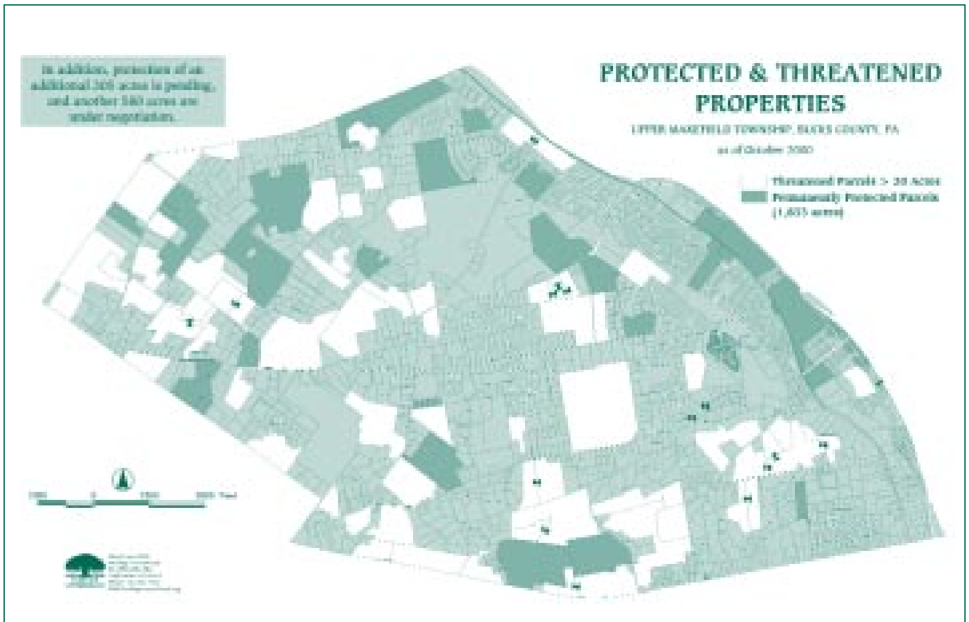
If preserved and soon-to-be-preserved township properties had been developed to allow even a very conservative 0.3 houses per acre, assuming one student per house the cost deficit to be paid by school district taxpayers would be $1,983,600 per year.

HOW WILL THE OPEN SPACE BOND BENEFIT ME?

- Maintain the rural feel and historic character of our community
- Keep our township and school district taxes lower over the long term
- Increase property values in the township
- Reduce traffic on our roads
- Ensure that farming continues in the township
- Protect our delicate groundwater supply

"Make no mistake about it: We are in a race against time to save our vanishing open space."
– Jeffrey Marshall, Heritage Conservancy

"If we had stood by and watched those hundreds of acres fall to development, it would have meant more traffic, environmental degradation, more lost farms, and a lesser quality of life for township residents."
– Betsy Falconi, Chair, Upper Makefield Township Board of Supervisors



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This guide is for general information only and is not intended to provide legal or tax advice. Laws may be amended or court rulings made that could affect the information provided in this guide. Heritage Conservancy and the funders assume no responsibility for errors and omissions or any liability for damages resulting from use of this material.

Find DCNR publications at: www.dcnr.state.pa.us/pubsgrantsrivtech.htm#General%20Overview

Heritage Conservancy, founded in 1958, is a nonprofit organization dedicated to preserving our natural and historic heritage. Since its inception, Heritage Conservancy has protected thousands of acres or natural lands and has preserved numerous historic structures. Heritage Conservancy employs innovative conservations strategies and cutting-edge technology in order to make sound, responsible resource protection decisions for the people, the land, and the communities of our region.

The Trust for Public Land (TPL) is a national nonprofit land conservation organization that conserves land for people to enjoy as parks, gardens, and other natural places, ensuring livable communities for generations to come. Since its founding in 1972, TPL has helped protect more than 1.6 million acres of land in 45 states. The Trust for Public Land depends on the support and generosity of individuals, foundations, and businesses to achieve our land for people mission.

"It is our task in our time and in our generation, to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours."

John F. Kennedy

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