

OPEN SPACE COUNCIL
March 7, 2012, 9:00 a.m.
Legislative Hall
Senate Hearing Room, Second Floor
Dover, Delaware

ATTENDANCE

Council Members:

John R. Schroeder, Chairperson
Paul Boswell, Esq.
Gerald Brady, State Representative
Lorraine Fleming
David Humes
C. Porter Schutt, III

Ex-Officio:

Charles A. Salkin, Parks & Recreation, DNREC

Advisory To:

Staff:

Karen Bennett, Fish & Wildlife, DNREC
Henry Poole, Associate Forestry Administrator, DDA
David Saveikis, Director, Fish & Wildlife, DNREC
Elena Stewart, Parks & Recreation, DNREC
Michael Valenti, State Forester, DDA
Ron Vickers, Parks & Recreation, DNREC

I Call to Order/Announcements

Mr. Schroeder, Chairperson, called the Open Space Council meeting to order at 9:17 a.m. He welcomed Council members and staff. He asked for announcements.

Mr. Schroeder asked Council and staff to introduce themselves and identify their affiliation.

II Approval of Meetings Minutes

Mr. Schroeder asked for a motion to approve the December 7, 2011 meeting minutes. Council approved minutes with corrections.

III Financial Report

Mr. Vickers presented the Financial Report: The remaining FY2011 Realty Transfer Tax amount is \$1,341,262.86 and the new Realty Transfer Tax amount for FY2012 is \$9,000,000.00 resulting in a balance of \$10,341,262.86.

There are seven previously approved projects totaling \$1,630,000.00. In addition, there are anticipated reimbursements of \$227,577 for J.G. Townsend and of \$161,435.87 for Jacobs, leaving an available balance of \$9,100,275.73 remaining through 12/15/2012.

Three properties settled since the December 2011 meeting: Blackbird DNERRS - Jacobs; Ellendale State Forest - J.G. Townsend, Jr. & Co.; Brandywine Creek State Park - Rockford Woodlawn Fund.

Mr. Schroeder said at this time, the proposed Bond Bill only has \$2.0 million for Open Space FY2013. Mr. Schroeder said both he and Mrs. Fleming attended the Bond Bill Committee

meeting and requested an increase to the full funding of \$9.0 million. Mr. Salkin noted that to present a balanced budget at this time based on the DEFAC projections the number was only \$2.0 million. Mrs. Fleming noted that the May and June DEFAC numbers are critical and that is when we would know a more accurate number.

Mr. Vickers presented an updated 17-page Open Space Inventory of properties protected through the program. To date, total acres protected are 52,314 acres using \$241,421,356 of Open Space funds plus \$71,963,661 of other funds for a total of \$313,385,017 with 330 projects completed since 1990.

IV Agency & Public Presentations

Mr. Schroeder asked for announcements and/or presentations from guests and staff.

Mr. Vickers provided Council with two handouts:

The first was an updated version of the Open Space Program Property Ranking Process. It incorporated changes from the last Council meeting. Council members accepted the new version and recommended that it be used for review properties.

The second was Potential Funding Sources for Land Acquisition. This provided information on federal and state programs, including types of qualifying properties, match requirements and funding limitations. Council agreed the report was informative.

Mr. Schroeder informed Council that a lawsuit was filed on February 9, 2012 regarding the wind turbine in Lewes. Colonel Lechliter, who attended past Council meetings, is the plaintiff. The defendants are the University of Delaware, the Department of Natural Resources and Environmental Control, the City of Lewes, the U.S. Department of Energy, and individuals. He said he wanted to inform all Council members because the lawsuit involves open space lands purchased in 2002 from the University of Delaware. Since then many issues surrounding the turbine have evolved.

Mr. Schroeder said for Council members benefit, staff will put together the various documents pertaining to this matter that are public, and mail to Council.

Mr. Boswell said Council had not been made a defendant of this lawsuit. Open Space Council recommends action and does not have the final authority.

Mr. Vickers said he would provide all members with a copy of a February 11, 2011 letter from Mrs. Lynn Williams to Secretary O'Mara and Secretary O'Mara's June 2011 response letter.

Council members asked staff to provide hard copies of maps for properties considered for acquisition.

V Executive Session - Discussion of Site Acquisition Contracts

The Council adjourned to Executive Session at 10:15 a.m. to discuss site acquisition contracts. The Council returned to Open Session at 11:20 a.m.

VI Project Recommendations

Based on discussion in Executive Session, the Council recommended the following:

- A. Delaware Forest Service – Michael Valenti requested an additional \$80,000.00 towards the Ellendale State Forest - Marvel/Huff/Sposato property (339 acres). It was moved, seconded, and agreed to recommend to the Secretary to fund an additional \$80,000.00 to complete the Green Horizons Phase VII project.

B. Yorklyn Hills/Richardson property, 8.36 acres. It was moved, seconded, and agreed to recommend to the Secretary to negotiate up to \$513,000 (representing a 10% bargain sale based on the appraisal) for a conservation easement on the property.

Mr. Schroeder needed to leave for another meeting and appointed Mrs. Fleming to act on his behalf for the remainder of the meeting.

Council adjourned for a second Executive Session at 11.22 a.m. to discuss site properties, for information purposes only. Council returned to Open Session at 11:41 a.m.

VII Next Meeting and Adjournment

The next Open Space Council meeting will be held at Legislative Hall, Second Floor, Senate Hearing Room, Dover, DE 19901, on June 6, 2012, starting at 9:00 a.m.

Mrs. Fleming asked for a motion to adjourn. The meeting adjourned at 11:42 a.m.