STAFFORD COUNTY
PURCHASE OF DEVELOPMENT RIGHTS
COMMITTEE MINUTES
June 23, 2009

The meeting of the Stafford County Purchase of Development Rights Committee for Tuesday, June 23, 2009, was called to order at 7:04 p.m. by Chairman Tom Coen in the A,B,C Conference Room of the County Administration Building.

Members Present: Coen, Apicella, Clark, Kurpiel, McClevey and Ritterbusch

Members Absent: None

Staff Present: Baker, Neuhard, Lott, Smith and Hamock

Others Present: Jeff Adams and Virginia Adams

1. Approval of Minutes

Mr. Coen: The first order of business is the approval of minutes. Were there any changes to the April and/or May 2009 minutes?

- *April 28, 2009*
- *May 26, 2009*

Ms. Kurpiel: Do you think it would be inconvenient for the committee to postpone the approval of minutes because I have not had a chance to read them. I must confess that I have not had a chance to read them and I would like to.

Mr. Coen: Is there a second to postpone them to the next meeting?

Mr. Ritterbusch: Second.

The motion to postpone the approval of the minutes passed 6-0.

2. Staff Update

- Bond Referendum

Mr. Neuhard: I think most everyone is aware of what happened. I sent an email out to you all, Tom and myself addressed the Board on Board night in the evening and they deferred it for another year around the discussion of the park bond and not wanting to threaten the park bond. The park bond is back on again for discussion again at the next meeting of the Board on the 7th of July. There was very little discussion, Paul Milde provided most of the commentary and I believe it was a 6-1 in the end to table it until May of next year.

Ms. Kurpiel: I was not aware that when they removed the parks from the bond referendum last year that they did that so it would stand by itself, which was the reason is was given. We would not have gone through this drill had we known that.

Ms. Clark: That is what I was thinking Patricia.

Mr. Neuhard: They removed the park bond because they believed that both bonds would not be successful at the same time. The priority was, at the time, a road bond and they authorized the park bond for this coming fall at that time, now they reopened the discussion because they want to address the distribution of the proposed bond and its amount.

Ms. Kurpiel: It might be possible that they might not go forward with the park bond again and if that is the case I would like to ask you if you would, at that point, jump up and say PDR Committee would be happy to put the PDR bond on.

Mr. Neuhard: Sure, I will be happy to do that.

Ms. Kurpiel: Because what could happen is next year, if this is their reasoning, if they do not put the parks on this year and they put it on in 2010 then they will deny us again.

Mr. Neuhard: My belief at this point is there is a majority of the Board that wants to go forward with the bond, the question is whether it stays at the current amount with the current configuration or whether or not it is increased by some amount or not. In my last discussion with the Chairman, there seems to be clearly a desire of the Board now since they were successful with the road bond to move forward with the park bond as a priority.

Mr. Coen: Any comments?

3. New Business

- Pilot Program Applications – Criteria Ranking Review

Mr. Coen: The pilot program applications, we will be ranking the criteria is the main focus tonight. The last meeting we went through getting information about how the process was.

Mr. Neuhard: Mr. Chairman, tonight we specifically want to make sure that we have gone over the scoring with you, the methodology and if there is any adjustment to scoring required or if there are different scores that you all wish to provide, we would certainly need to resolve that tonight. This is in concert with the ordinance. If you feel that we move through this and you get to a point where you want to move on to discussions about decision, we are prepared with the next step tonight if that is what the committee desires to do. If not, we are prepared for the next meeting to do the same. The basic format that we have chosen tonight, is to move through each one of the properties, remind you of what property that is, go through the scores with you see where there is need for further discussion. Once we have locked in on that, we will move onto the next property until we get each property done. At that end we have prepared a summary sheet that compares all of them side by side, we will hand them out at the end and then whatever the pleasure of the committee is, depending on the time or if you want to move to the next phase, we are prepared to hand out an additional sheet with some additional data on it. If that is okay with the Committee, that is how we will approach it at this point.

Mrs. Kurpiel: Is that the way we want to do it or do we want to do it question by question?

Mr. Lott: Well, I am going to go question by question through each of the properties.

Ms. Kurpiel: Okay, thank you.

Mr. Lott: First off, I am not going to go through them in any particular order. We will start with the Adams property first. This is Assessor's parcel 36-60, it is a thirty-eight acre farm zoned A-1 and the total points on this property is sixty-four. This is a reminder of the property from last time, it is a working farm with the raising of live stock and the owners do reside on the property. I thought that when I go over the scores we could look at the aerial photograph for reference purposes if you have any questions. I thought I would start by beginning with section A and I will try to be as literal as possible with you. This farm is 38 acres, so they got two points for that. I will give you a quick reminder of how I calculated some of the scores. The soils were calculated using GIS. Basically, I had the GIS give me a breakdown of acres per soil type for each parcel and in using that information I was able to get a percentage of these soil types on each of the applications.

Ms. Kurpiel: Land Capability classes, are those the classes defined by Natural Resource Conservation Service (NRCS)?

Mr. Lott: Yes.

Ms. Kurpiel: Class one soil test, slight limitations that restrict their use, is it that list?

Mr. Lott: I have a file that summarizes the characteristics of all the soil types in the county.

Ms. Kurpiel: It says one, two, three and four, I would like to have a copy of that if I could.

Mr. Lott: I can give the file.

Ms. Kurpiel: I had a question, I see class four soils are included in definition and if my reading of the NRCS data is correct, it says: class four soils have very severe limitations that restrict the choice of plants and require very careful management or both. Is that consistent with some of the soils that we have picked up?

Mr. Lott: Generally speaking, mostly when people have these on their properties it is usually 2E, 2W or 3W. I did not have a single class one soil that I encountered on any farm.

Ms. Kurpiel: On any farm…

Mr. Lott: And I did not see any class one soil on any property. There were some 4W, but usually it is that 2E, 2W and 3W that I have encountered. For this first farm, it was at nineteen percent which is why it received zero points. The parcel contains active farmland and with a majority zoned A-1. I used the GIS to calculate this by measuring that area of open pasture land. In this particular case I went ahead and measured a portion of the farm that was recently converted to pasture land for their animals and it came out to about 25 acres, which was six points. If you have any questions, please ask me as I go along.

Ms. Kurpiel: To understand question three, these are the open acres, in other words, this is the pasture.

Mr. Lott: In this particular case, yes.

Ms. Kurpiel: On another farm where there was wood land, how would you have treated this?

Mr. Lott: I think we discussed this in a meeting months ago when I went over this. Since this question in the ordinance only refers to cropland and pastureland and not forestry, points were not given for land that could be used for silviculture. If that is something that you want to revisit next time around, I took it out of strictly how that ordinance was written.

Ms. Kurpiel: Okay. Did you select your points based on the questionnaire that was filled out or by what you saw when you visited the site?

Mr. Lott: For the next question?

Ms. Kurpiel: No, for question number three.

Mr. Lott: Well, since this case had changes to it since the 2006 aerial and there were additional areas that were open for pasture land since that picture was taken. I tried to take into account land that was cleared from the northeast corner to the perennial stream that crosses the property.

Ms. Kurpiel: So, it was the aerial and this questionnaire?

Mr. Lott: Yes, I tended to not use that questionnaire as much and based it more on what the aerial photography showed to estimate the amount of crop and pastureland.

Ms. Kurpiel: Thank you.

Mr. Lott: Question four in section A, I literally took what was checked off on the application to us. I did send emails to Tri-County asking them to confirm some of this and I never really got a response for all the properties. So rather then revise it, I just stuck to the application. For section A, the total they received was fourteen points out of a possible fifty for this section. Moving to section B, likelihood of parcel being threatened, first was the urgency of circumstances favoring conversion. A lot of this is based on the application and there is no case where any of the first three potential forced sale, estate settlement or voluntary sale was relevant to any application. So the only points that were available were for the Ag census and I took that off the application. In this case Mr. Adams was not, so they do not get points for that. The acreage suitability for residential conversion, again this is done the same way as the previous soils question, where it was based off of NRCS soil data that we have and I had the GIS department go through each parcel and sum up the soil type for me. I looked up on a table what the classification of each soil type. So in this case, approximately seventy-two percent of their property was moderately or well drained soils and they were given eight points.

Ms. Kurpiel: I have a question before we go on.

Mr. Lott: Sure.

Ms. Kurpiel: When you did the soils on number six, how did you deal with the RPA, steep slopes and right-of-way estimations?

Mr. Lott: For this question?
Ms. Kurpiel: Yes and for the one above it.

Mr. Lott: I really did not try to take into account the RPA, I strictly based it off of the soil types.

Mr. Kurpiel: On the whole lot? In other words, not in an area that might not be buildable?

Mr. Lott: No. Typically, where there are RPA's there are not necessarily steep slopes. There may be poorly drained soils.

Ms. Kurpiel: The hydric soils?

Mr. Lott: Yes.

Ms. Kurpiel: They would be out of this one?

Mr. Lott: Yes.

Mr. Kurpiel: When you say that GIS summed it up, how did they do that? Did they use that method where they put the circle around?

Mr. Lott: No. Recently what I was doing was physically going through by hand and doing it myself. I did that in the beginning and actually the scores would have been the same. That does give you more margin for human error so I asked the GIS department to calculate the soil types on each parcel. Obviously the soil types cross parcel lines, and the program takes that into account. That at least takes out the human error. The result did not change, I only did that for an application that was 300 plus acres and it took me three days to sum up all the soils on a parcel. The purchase price leveraged or below market value, this was based on the application and nobody got any points. The amount of public road contiguous the parcel is 1200 feet of frontage on Kellogg Mill Road and they received ten points. The landowners have agreed to any of the following restrictions and I based this off of what they checked off on their applications and in this case there will be no new dwellings and shall not be further divided. As we discussed in the past, they get the higher of whatever points they checked, it was not a cumulative score.

Mr. McClevey: I did not give any points because of the fact that if they sold the property it was only on that particular deed and that was my rationale and I did not read the application.

Mr. Lott: The application, they checked off both of those, that there would be no new dwelling and shall not be further divided.

Ms. Kurpiel: Can any of the properties be further subdivided?

Mrs. Baker: That would be difficult because it is a private road.

Ms. Kurpiel: Would we allow it?

Mrs. Baker: It depends, we may ask for waivers or they could do a family subdivision.

Ms. Kurpiel: In our program, we would accept a property where an owner came in and said, I am putting my 50 acres in but I reserve the right. We would accept that?

Mrs. Baker: We could negotiate that with them. We have discussed allowing one division per 100 acres.

Ms. Kurpiel: The reason I am asking the question is because I think there is a problem with the question. I guess we can start with what I thought the intent was. The intent was to find out whether any of the owners would agree to either not harvest their timbers or place restrictions if they did harvest it.

Mr. Lott: Yes, we will have a discussion about that issue at a later time. No one was interested in additional timber harvesting restrictions. Most people are still interested in maintaining agricultural activities on their properties.

Ms. Kurpiel: I could not help but notice that all the properties that had houses did not want to choose to have another house but all the properties that did not have houses chose one. That tends to skew the points. And then, the question about further divisions, I think that was very problematic. And I understood that they did not anticipate any further divisions but I wonder if all the other applicants understood the significance of saying that. Maybe this is one that we can come back to, I think this is a problematic question.

Mr. Lott: We went strictly by what the ordinance said.

Ms. Kurpiel: Yes, but we are making some interpretations, that is to say assuming that owners that did not write something on their application has made a decision which they may not have made.

Mr. Lott: I do not think that these points will influence how the decision would go.

Ms. Kurpiel: Isn't that what we are doing here? Aren't we deciding how this is going to go by looking at how these properties are ranked? Am I mistaken about what we are doing?

Mr. Lott: No.

Ms. Kurpiel: Are we saying that we are going to change some of these?

Mrs. Baker: If you think that we need to further question the applicants, we can do that. That is the whole purpose of going through this, we can make changes.

Mr. Lott: If you disagree with the score let me know.

Mr. Coen: Staff can think about this as well after we go through all of them. Do we need to contact all of them and say on a particular question did you understand what was intended?

Mrs. Baker: I do hope that all of the applicants looked through the ordinance because that would have told them what they are getting points for in the ranking. This is all available to them.

Mr. Lott: Section C, Circumstances supporting agriculture, the number of non-farm rural residences within one half mile of the property boundary. Again, our county is not that rural. I basically drew a half mile circle around each of the properties and counted the farms and rural residences and came up

with eighteen. The proximity of the parcel to the other properties with PDR or perpetual easements: the property is approximately 800 feet from a Virginia Department of Forestry Easement on TM 27-39 and was given six points for that.

Ms. Kurpiel: I would like to ask a question about easements in general. Do we consider all easements to be equal merit or value? For example, there are easements that the Corps of Engineers put on and there are conservation easements. Do you score those all the same?

Mr. Lott: For this purpose, I did because it did not say in the ordinance to score them differently. There are questions that I have with this one. I scored it from the edge of their property to the parcel that had an easement. The proximity to significant or unique agricultural support services, they received two (2) points for being within three (3) miles of support services. None of the applications were batch applications. In Section D, the first question is the Virginia Division of Conservation and Recreation Ranking system which is based on the Virginia Conservation Land Needs Assessment model. I accessed the DCR web page and checked to see if it had any of these categories were outlined on the parcel. In this particular case, none of this parcel was given a score and I did not give them any points for that.

Ms. Clark: Remind me about this category, is this something landowners can ask someone to do? To make a survey of their land?

Mr. Lott: No, it is a computer driven model that has various factors built into it.

Ms. Clark: So it had already been done.

Mr. Lott: Yes.

Mrs. Baker: Again, it is just a model, not real on the ground studies.

Mr. Lott: The percentage of upland forest was approximately twenty percent and they received two points for that. In the areas identified as having high environmental value, such as state or federal parks, exemplary wetlands, critical areas, designated wildlife refuge or corridor, or threatened or endangered species habitat and in this case they were within one mile of the Landscape Corridor as identified in the VCLNA Model and they received four points for that. The proximity of the parcel to perennial stream or waterway, I based this off of the County's RPA layer and if there was a perennial stream crossing on the site they would be given four points. In this case a perennial stream crosses the parcel. Moving on to Section E, Cultural Resources, in this particular case the property does have that DHR # 089-0088 and includes the original home site and Blackburn Cemetery, with a possible slave cemetery further north from the house to the woods which is why I gave them eight points for this. If you have questions about the scoring of this section, if you could hold your questions to the end and I can explain them all after I get through all the applications. To sum it up, this property was given sixty-four points. Are there any questions on this one or should I move on to number two? The next application is the Druiett property and this is tax map 36-3, portion, a twenty-five acre portion of that parcel and is zoned A-1. The total points they received was fifty points. On the overall sixty-four acre parcel there is a residence and two farm buildings. The twenty-five acre portion of the site is currently a hay field and a pond. There are some woods on the southwest corner as well of the field. In this particular case forty-three percent of the parcel met the Land Capability Classification System so they were given six points. It is a very flat parcel and suitable for farming. The parcel contains active farmland with a majority zoned A-1

and twenty-three out of the 25 acres was crop land which gave them six points. The owner was not aware of any Soil and Water Conservation Plan Categories on their parcel and I did not give them any points. Section B, Farm Owner, the owner of the property is older than the average age and was given four points. Acreage suitability for residential conversion, virtually the entire parcel has moderately well-drained soils, ninety-seven percent so they were given ten points.

Ms. Clark: Is this the one that was stuck back by itself and could not be subdivided right now because of the… Okay, never mind.

Mrs. Baker: This has frontage on Poplar Road and Shackelford Well.

Mr. Lott: The purchase price was not applicable so they received zero points. Amount of road contiguous to parcel, 780 feet of frontage on Shackelford Well Road and 180 feet of frontage on Poplar Road so they were given eight points. The landowner did not check those restrictions categories and did not receive any points. Section C, Circumstances Supporting Agriculture, I counted eighteen rural residences around this property so they received two points. They were within one quarter of a mile from a conservation easement recorded in the Oakley Farms Subdivision which is northwest of this parcel on tax map 26-36. It is the parcel directly across the road on Shackelford Well Road and they received six points. Proximity to significant or unique agricultural support services, they also live within three miles of support services, including the feed store on Warrenton Road and were given two points. Again this is not a batch application. Section D, Environmental Quality, this property was not given a score within the Virginia Conservation Lands Needs Assessment and did not receive any points. Approximately six percent of the corner was upland forest, but it was below twenty percent so it did not get any points for that. They were within one mile of the Landscape Corridor as identified in the VCLNA Model and were given four points. There is no stream on the property, there is a wetlands swale that goes from the northwest corner down to the pond but it is not a perennial stream and did not get any points for that. Section E, Cultural Resources, the property is not located in the proximity of or associated with any known cultural resources on the property and was not given any points for that. To sum it up fifty (50) points total.

Ms. Kurpiel: How many other databases do you have that you can go to, to look for cultural resources?

Mr. Lott: Most of the states database is within our GIS system. I looked at that and I had Brenda, who is doing our cultural resources, also go through the file to see if she could find something that may not have shown up on our GIS. The next parcel is the Johnson property, tax map 60-5 and it is a 21.68 acre parcel. The parcel is zoned A-1 and was given a total of forty-five points. There is currently a residence on the property and they do have hayfields as well. An aerial photograph of the property showed a stream in the northwest corner but a lot of the parcel has been cleared. I think in the past the property did have cattle. The size of the property is 21 acres and they received two points for that. Approximately thirty percent of the soils on the property were identified with the appropriate Land Capability Classification score and they received three points for that. Approximately 11 acres is active cropland and they were given four points for that. The owner was not aware of any of the Tri-County Soil and Water District categories for this parcel and received zero points. Section B, Likelihood of parcel being threatened, the applicant is older than the average age and received four points for that. Approximately eighty-four percent of the property had well or moderately well soils on the parcel and they received ten points for that. The purchase price question is not applicable. The property is served by a private access easement, Homer's Lane, serving several properties. There is no state road frontage and they received zero points. The owners did say there would be no further dwelling on this parcel and

they received six points. Section C, Circumstances supporting agriculture, there were between thirteen to eighteen other residences within the immediate area and they were given two points for that. They were not given any points for the next question because the nearest easement was greater than one mile away. I gave them two points because they were within three miles of an agricultural support service. Mr. Silver's slaughterhouse is on tax map 55-160 and they receive two points for that. This is not a batch application.

Ms. Kurpiel: Is Mr. Silver's slaughterhouse open to the public?

Mr. Lott: Yes.

Mr. Kurpiel: Thank you.

Mr. Lott: Section D, Environmental Quality, a portion of this property is along a perennial stream and is ranked C5 in the VCLNA model. They received two points for this. Approximately thirty-five percent of the parcel is upland forest and received two points for that. They receive four points for being within one mile of wetlands system identified on the NWI that extends approximately three miles long Muddy Creek. They also receive four points because there is a perennial stream on the property. Section E, Cultural Resources, they were given zero points because the property is not located in the proximity of or associated with any known cultural resources. We are moving on to SE Estates LLC. The portion that we are looking at is section 3C of Stafford Estates, which is a large subdivision in the area. Section 3C is the 58.67 acre portion, zoned A-1 and given seventy-seven total points. Currently it has no active use and is vacant land at the moment. There is an old barn on the property. Approximately 30 acres of the land looked like it had been farmed in the past.

Mr. Coen: Jumping back to the first question, how many acres was it?

Mr. Lott: This portion that they are willing to put forward is 58 acres and the original application was for 375 acres.

Ms. Clark: Does the rest already have a subdivision plan on it?

Mr. Lott: This portion does as well, this is section 3C of the subdivision. They have plats and construction plans in and the plat has not been approved.

Mrs. Baker: They are vested.

Mr. Coen: My question is why would you give them ten points?

Mr. Neuhard: I think you may have the wrong sheet. There are two sheets and the section 3 alone is not being considered.

Ms. Kurpiel: I want to know, how did you know that they did not intend to put the entire 375 acres in?

Mrs. Baker: They did. I had called them to confirm and I told them how much money we had for the program and that we were only going to be able to purchase twenty development rights and he told me we have an area that we would be willing to do first that is already divided out. They were going to plat the fifteen or sixteen lots and we said let's go with that.

Ms. Clark: So basically, they did not want to give us 300 acres for $600,000?

Mrs. Baker: No.

Mr. Lott: Section 3C received four points for the size of the property, it showed the outline in yellow of section 3C and then in red the entire section three parcel. All of the points received were for the 58 acres only. Even though 30 acres had been farmed at one point, it was not currently being farmed so they did not receive any points for active farmland. Since is not being farmed it did not have any of these conservation categories in place so I did not give them any points for that. They received twelve points for section A. Section B, Likelihood of parcel being threatened, this obviously could be threatened because it had a subdivision plan on it, it did not score high in this portion of the questions. The current owner is an LLC so I did not give them any points for owner older than average age of the farm, approximately 70 percent of parcel has moderately drained soil and they received eight points for soils. The purchase price was not applicable. Approximately 1,200 feet of road frontage is on Richards Ferry Road and they received ten for that. The landowners did not check off any of the restrictions and received zero points. For section C…

Ms. Clark: There are thirteen to eighteen houses right there now and the lots are already in the works.

Mr. Lott: I based it strictly off of what was on the ground.

Ms. Clark: I think you gave them too many points.

Mr. Lott: This is a question that I would like to see re-addressed. The property is contiguous with Virginia Outdoors Foundation conservation easement on tax map 42-2 and was given eight points for that. They were greater than three miles from any agricultural support service and did not receive any points for that. This is not a batch application.

Ms. Kurpiel: Is a mill, what do call the facility where you take your logs?

Ms. Clark: Sawmill.

Ms. Kurpiel: Are any of those nearby here?

Mr. Lott: It is more than three miles away. I also drove the entire county looking for potential mills and there were some northwest of the property.

Ms. Clark: There are two close to our house.

Mr. Lott: Section D, Environmental Quality, they received ten out of ten points for the Virginia Conservation Land Needs Assessment because a portion of the property is ranked C1, having outstanding conservation significance. Approximately fifty-one percent of the property has upland forest and received four points for that. Proximity to areas identified as having high environmental value, the southeast corner of the parcel, outside of section 3C, but within the parent parcel was identified by DCR as a Natural Heritage Resource. The resource provides habitat and buffer for one or more rare terrestrial plants or animals, or significant natural communities. They received four points for having a perennial stream. Section E, Cultural Resource, A phase I cultural resource survey was

conducted in 2006. Four sites potentially eligible for the National Register of Historic Places were identified within or adjacent to Section 3C, including a camp (DHR 44ST0144), two gold mines (44ST0091 and 0144) and a home site with an associated cemetery (44ST0827). They received thirteen points for this and received a total of seventy-seven points.

Mrs. Clark: Because of all the cultural stuff, would they be able to develop that into a subdivision?

Mr. Lott: The cemetery would have its own parcel. Typically we would ask for a phase two study and, if necessary, additional work to recover what they can from the site.

Ms. Clark: If they did not go through these phases then they would not be on the register and would not necessarily get the thirteen points.

Mr. Lott: If they had not done the phase one for this property, we would not have known that the house value was considered eligible for the National Register. The gold mines were identified thirty or forty years ago. The camp site as well, we would not have known it was eligible for the National Register.

Ms. Kurpiel: But on the other hand, we also know exactly how many development rights are coming off, whereas on the other we are just using our methodology.

Mr. Lott: I did apply the methodology for this. There may be one more parcel using our methodology.

Ms. Kurpiel: So which way are we going? When you say there are fourteen development rights, is that based on your calculation or their submission?

Mrs. Baker: We used the methodology.

Ms. Clark: Didn't you say fourteen or fifteen at our last meeting?

Mr. Lott: Fifteen is what my method came up with and fourteen is what is identified in the plat. I put fifteen on the table because that is what the methodology came up with. If there are no more questions we can move onto the next application. This is Mr. Silver's property, parcel 48-15 and this is 97.83 acres parcel zoned A-1, total points seventy-six. This property is currently active farmland and here is an aerial photo of the site. The 97 acres is seven points. Only twelve percent was identified as being in the appropriate Land Capability Class and was less than twenty percent and they did not get any points for that. Approximately 29.5 acres were active farmland and received six points for that. They received four points for the Tri-County Soil and Water District category for having nutrient management plan and conservation tillage. Section B, likelihood of parcel being threatened, the applicant is older than the average age and received four points for that. They received ten points for having approximately eighty-six percent of well or moderately well drained soil and the purchase price was not applicable. The property does have 1,800 feet of frontage on Belle Plains Road and received ten points for that. This is a conversation that I have been having with Mr. Silver, he chose on the application that the parcel would not be further subdivided, so I gave him three points. We did discuss possible timber harvesting restrictions on the parcel. I was going to talk to the Department of Forestry (DOF) regarding what there limitations would be for harvesting on steep slopes. Mr. Silver is considering whether to have restrictions greater than those required by the DOF. Section C, Circumstance supporting agriculture, they had more than eighteen homes within the one half mile property boundary so they did not receive any points. They were within one quarter of a mile from a conservation easement recorded on the Wood

Landing subdivision (tax map 56-139) as required by USACOE permit so they received six points for that. They received four points for being with two miles of the slaughter house located on tax map 55-160. This is not a batch application. Section D, Environmental Quality, a portion of the property (along the perennial stream) is ranked as C4, moderate Conservation Significance and received four points. Approximately seventy percent of the parcel was upland forest and they received six points. Proximity to areas identified as having high environmental value received eight points; the property is Contiguous with a Landscape Corridor identified in the VCLNA Model and contiguous with a wetland system identified on the NWI that extends approximately two miles upstream from Potomac Creek. There is a perennial stream on the property and they received four points for that. Section E, Cultural Resources, the property is not located in the proximity of or associated with any known cultural resource and did not receive any points. The property was given seventy-six points.

Ms. Clark: Stafford County has one centennial farm and although this parcel is not part of the original it is now a farm. That is a very big deal and was in the paper. There are not that many centennial farms in Virginia. I am not sure that it would merit points but I feel that it should be considered by the committee.

Ms. Kurpiel: What is a centennial farm?

Ms. Clark: It is a farm that has been farmed for 100 years by the same family. Is it contiguous with Silver Ridge?

Mr. Lott: The last parcel is the Wilson property and they received a total of fifty-three points. The property is 49.57 acres and zoned A-2. It is currently used for cattle grazing and a hayfield. Approximately 15 acres is active farmland but did not receive any points because the property is zoned A-2. The owner was not aware of any Tri-County Soil and Water District categories for this parcel and did not receive any points. The applicant is older than the average age and received four points. Approximately thirty-two percent of the parcel is well or moderately well drained soils and received three points for that. Purchase price was not applicable. They received eight points because the property has approximately 165 feet of frontage on Brooke Road and approximately 735 feet of frontage on Marlborough Point Road. The owner agrees to the restriction of no further division of the parcel and received three points. There were between thirteen and eighteen houses within one half mile of the property and received two points. The property is within one mile of an easement to protect historic resources on parcel 40B-4-72 within the Poplar Hills subdivision and received two points. They did not receive any points for proximity to significant or unique agricultural support services and this is not a batch application. A portion of the property (adjacent to and including the tidal wetlands along Accokeek Creek) is ranked as C2, Very High Conservation Significance and they received eight points. Approximately sixteen percent of the parcel is upland forest so they did not receive any points. Property contains a portion of the extensive tidal wetlands system along Accokeek Creek and contains a Natural Heritage Resource, associated with the Crow's Nest Peninsula and adjacent tidal wetlands so they received eight points. The property is contiguous to Accokeek Creek and they received four points. They received six points because the property is a familiar visual feature that is part of a historical landscape. Historic resources associated with the Civil War are located to the north while resources associated with Crow's Nest are located to the south. They received a total of fifty-three points.

Mr. Neuhard: I guess the question for us in the scoring before going any further, is whether there are any scores that you want to discuss further.

Ms. Clark: I would like the Silver property considered for a centennial farm.

Mr. Neuhard: I heard two possible issues that you might want to recommend that we go back and look at that involves methodology that may not be clear. One is the question about restriction, in other words, that may be something that we need to call each owner and make sure we have a thorough understanding of what they checked off and what they understand that to mean, that could, although it is not a lot of points but it is some points, that could change the way it is scored. I do not know. The other one is, at least for staff, you may decide that it is okay with you tonight and we would certainly reflect that score, but for staff to change the score for cultural resources we need to go investigate a little further the issue about the centennial farm and make sure it is on a registry. Find something that could back that and make sure that is all there and choose which one of those categories it fits in. Those are two of the issues that I heard tonight that may warrant us to go back and investigate.

Ms. Kurpiel: I have something else that has to do with practices with the fourth question. We are in the Chesapeake Bay region and there are requirements, even for farms, in the Chesapeake Bay region and it is around practices. Practices are required in three areas, so I would like you to go back to all of these owners and find out why they do not have any practices or I guess it would be more appropriate to ask the question, which practices they are willing to implement. It is not outside of the law.

Mr. Lott: You are looking at question 4 section A.

Mr. Neuhard: Has implemented or agrees to implement. Yeah.

Mr. Lott: They did not say would I do this in the future or not.

Ms. Kurpiel: Yes. That is certainly something that I have in mind. Is that true that the Chesapeake Bay requires three specific practices?

Mr. Lott: I would have to review some of the Chesapeake Bay requirements in terms of Agriculture. They just do not enforce it internally so I am not that involved in it.

Mrs. Baker: Their practices are different from what the County would require. They are allowed to clear in RPA.

Ms. Kurpiel: I am not talking about clearing in RPA, I am talking about three specific practices. One for nutrient management, one is, I will look in my notes if you want to know but there are three specific practices. A lot of this is voluntary and if these owners expect to get a federal deduction or state credit, this is a part of how you get that.

Mr. Lott: I can talk to Tri-County. There are different agencies that deal with this, and with Tri-County, they say they are not an enforcement agency.

Ms. Kurpiel: No, but a lot is voluntary, isn't it? And I think this is the most important part, if the owners expect to get a federal deduction or state credit, this is a part of how you get that.

Mr. Lott: I am certainly willing to call Tri-County.

Mr. Neuhard: Well, it would have to meet this. Any further questions would have to be, we find out if they implemented it or agree to implement one of these forms approved by Tri-County. That is the only way to get any kind of points for that.

Mr. Apicella: I am a little concerned about going back to people and asking them to give potentially different answers. If you give more information, you get an A, we scored it, so now they know what their score is relative to somebody else. We wanted to potentially gain the answer, you just need to change your answer. So, it would be one thing if we asked those questions before we ranked them all and stood them next to each other side by side. Now you are giving two people the opportunity to see everybody else's score. A tweek here or there and you have more points because you knew where we were headed one way or the other.

Mr. Adams: I am going to agree with you because I am sitting here trying to figure out how I can come in and actually count lots and get another few points here and there to make a point difference. I am not saying I disagree but I want to sit down and count to come up with nineteen houses as well.

Mr. Neuhard: That's true, I think the other piece of that perhaps with these others was brought, that is why we have the committee to review it, so if there is an issue for example that if we knew. It may not be appropriate to go back and ask.

Mr. Apicella: It is one thing to go and say we disagree with the way Mike did the scoring because he was overly subjective or he did not get it right. It is another thing to go back to the applicant and say, you did not answer this question, you did not answer it the way we thought you were going to answer it, you have an opportunity to change it. That would change the whole score.

Mr. Neuhard: Something we could go back and check.

Mr. Apicella: Right.

Mr. Ritterbusch: This is still a pilot program and we can always change the way the questions are asked.

Mr. Apicella: I do not have a problem with that, I am just saying right now, these are conditions that are not fixed in stone. Again, if someone said they had 1000 square footage of road frontage, it is approvable or not.

Mr. Neuhard: Right.

Mr. Apicella: What are you going to put restrictions or not put restrictions, I think that is kind of fuzzy and is a way for someone to cheat their score.

Ms. Kurpiel: The question is about whether they are willing.

Mr. Apicella: That is part of the negotiations too. I am more worried about changing the overall score.

Ms. Kurpiel: I have an objection to the way a question is stated in the questionnaire. It is very, very misleading.

Mr. Apicella: I think that could be true for a lot of these questions. We know more now then we did before and hind sight being twenty twenty, we might have done it differently. I think everybody was treated the same, even it was unfair, it was probably unclear to everybody including us. I'm not trying to reinterpret it at the eleventh hour.

Mr. Ritterbusch: It has still been fair across the board.

Mr. Apicella: But everybody now knows everybody else's scores. You make 100,000 and you make 120,000, you can change your to win the bid.

Mr. Neuhard: And they might not have been willing before to put a restriction on it but no they decide that they are. That could be good or bad but it does allow for manipulation of the score from the outside.

Mr. Apicella: Right.

Mr. Neuhard: It does.

Mr. Lott: My original thought was not to go with what was on the application but to go with what Tri-County says.

Mr. Neuhard: The bottom line is Tri-County is not giving us the information we're requesting.

Mr. Lott: I did get an email from them the other day because of changes at the last moment. I asked them to look at everything and confirm. They are familiar with these plans being in place.

Mr. Adams: (Inaudible)

Mr. Lott: I can tell you, in your particular case, yours was one of the earliest applications that I sent off before they got really busy.

Ms. Kurpiel: I would like to know how you dealt with this check mark that this applicant put on his box that said he would like more information from the PDR administrator about timber harvesting, new dwellings, and further division of the parcel. Did you call him?

Mr. Neuhard: No, I did not, but my staff talked to him. My staff talked to him.

Ms. Kurpiel: On page five (5) at the bottom. The last display, it says: are the owners interested in applying any of the following restrictions to the parcel and it gives four check blocks and then would like additional information from the PDR Administrator is checked.

Ms. Baker: They did call me with questions about what they can do with a portion now and an additional portion later, if I subdivide that, it would be a piecemeal easement on the property. Part of it now, part in the future, is the County going to have money to be able to be able to buy more in the future. That was more of their question. I explained to them that they needed to survey out the piece. They wanted to know if they could subdivide section 3B. They wanted to know if they still had the ability to subdivide section 3B and I said yes, if there is no easement then they could do that.

Mr. Kurpiel: On this parcel, let me ask the question, how would we propose that we deal with this parcel. The owner would continue to own it but there would be a conservation easement on edge of the subdivision. That is one alternative. That has some very attractive possibilities. Other alternative is that the conservation easement be surveyed and cut off. There is another parcel with this issue also.

Ms. Baker: They are proposing a fifty-eight (58) acre piece of the overall. If we were to do an easement, it would just be over the yellow portion.

Ms. Kurpiel: Right.

Mrs. Baker: The rest of the property, if they still wanted to subdivide, they could.

Ms. Kurpiel: He is not talking filing a plat and actually taking that parcel out. In other words, that fifty-eight (58) acre parcel would continue to be part of SE Estates. It would just be an eased fifty-eight (58) acres.

Mrs. Baker: It would be a separate parcel with an easement over it.

Ms. Kurpiel: Okay, but it would still be part of SE Estates.

Mr. Neuhard: Remember the conversation we had with Mike about cutting pieces off so they became independent properties that languished forever. So any piece would be a part of the mother ship, sort of speak, and would be an easement on the mother piece. It could be done but would lead to new issues.

Ms. Kurpiel: This is an important question on this parcel and another.

Mr. Lott: The access road for the rest of this parcel comes through this parcel. This area was chosen because we do not want a road through the conservation easement.

Ms. Clark: This is the only parcel not in farm. Half of our money coming from Farmland Preservation. There will be fifty (50) acres in middle of subdivision and that is not desirable.

Ms. Baker: It is suitable for farming, it meets the criteria.

Mr. Apicella: That does not change what Gail says.

Mr. Coen: One question is do we go back and ask the questions.

Mr. Neuhard: Definitely, you have brought to our attention the cultural resources that we need to examine. In regards to the others, there are some compelling reasons why you do not do it. There are some reasons why you might want clarity. I don't know if it will change the scores. There are other questions that are problematic. We need to understand what your feelings are . . .

Mr. Clark: I have one more issue.

Mr. Coen: Let's resolve this one before we move on.

Mr. Apicella: I think the issue is either provable or not provable. The others are putting us down a slippery slope. Why did we choose those questions as opposed to this question.

Mr. McClevey: I think it is important for the owner and for us to be clear about what the intent was. We might have to ask them.

Mr. Lott: That is why I called Mr. Silver about timber. He checked the box but I was not clear what he meant.

Ms. Kurpiel: We need to clarify with other owners if they would timber harvest. It is not clear. It might be their intent to never harvest timber. That is the best situation.

Ms. Clark: No, not necessarily.

Mr. Coen: Ok, I want to clarify. We have Marty and Patricia saying contact owners and Steven saying no.

Mr. Ritterbusch: I would support the contacting the applicant.

Mr. Neuhard: This is about this one question.

Ms. Kurpiel: No it is about two questions. There are two questions that need to be clarified.

Mr. Apicella: Why just one or two questions.

Ms. Clark: Patricia was worried about the question on the first page

Mr. Kurpiel: There are two questions that need clarification.

Mr. McClevey: One house but no further subdivision. I thought they were waiving their right to put a second house on the property.

Ms. Clark: A house on it.

Ms. Baker: If you put a second house on the property, you would need to subdivide it out.

Ms. Kurpiel: Wait a minute. If you have one house per 100 acres any parcel that has one house on it should not get another one.

Ms. Baker: If we had gotten an application with 500 acres, they have the right to subdivide.

Ms. Kurpiel: I have to say that I am very surprised to see anybody come in and ask for a house because no application had over 100 acres. We have had this conversation; we are paying for this house.

Ms. Kurpiel: Could you put an aerial photo up, this one has an old house on it. Would you put one up that does not currently have a house. If this owner says if wanted to be able to put a house on this, what Kathy is saying is put your house here and we are going to subdivide this piece off.

Mrs. Baker: You do not have to because there is no other dwelling on the property. If there were a dwelling here, it would have to be subdivided under Stafford County Ordinance to put a second dwelling on this piece.

Ms. Kurpiel: And your question assumed that the owners knew that when I did not even know that. I think I know a little bit about land use.

Mrs. Baker: I cannot answer that.

Ms. Kurpiel: Okay, so go to another parcel, I want to make sure that I understand this.

Mrs. Baker: That has a house?

Ms. Kurpiel: He has a house here and let us say he wanted to have another house on the property. What you are saying is that under our program we would allow that but we would make him subdivide it off?

Mrs. Baker: Under County Ordinance he would have to subdivide it off.

Ms. Kurpiel: Thank you for the clarification. Then are we saying that on the parcel that they reserve the right to put a house, then they could not get the points for no further subdivision, they would have to have to subdivide.

Mr. Lott: If they had a house.

Ms. Kurpiel: Oh, if they have a house, got it. If they did not have a house there would be no need to subdivide.

Mr. Coen: Okay, so are we for going back and asking people questions?

Ms. Clark: I am thinking right now that I am against it because how many questions are we going to open up to it.

Ms. Kurpiel: Two.

Ms. Clark: Just two?

Ms. Kurpiel: That is all I see.

Ms. Clark: So, right now the two that we are looking at are section A number 4, is that one that you want?

Mr. Lott: And B 5.

Ms. Clark: And B 5?

Mr. Apicella: Why would not allow somebody to prove something different than the information that we have? For example, going back to proximity of cultural and historical features, maybe for some

reason we did know it and they do, why would we not let them provide additional proof or information. How do we know that our system is 100 percent accurate?

Mrs. Baker: We did ask the question.

Mr. Apicella: Maybe they did not understand the question. I am back to, hey there is ambiguity here, why are those two questions ambiguous and this one not ambiguous? I think this is a slippery slope because there is a potential other areas with methodology that might be ambiguous.

Mrs. Baker: We could get confirmation from Tri-County to answer the question.

Ms. Kurpiel: I do not think that is the important question. The important question is what are they willing to do? That is the important question and if that needs to be handled through negotiations then let handle that through negotiations.

Mr. Coen: So leave it as is on the scoring and we go to negotiate, that is when we would bring it up.

Ms. Kurpiel: Correct.

Mr. Apicella: I am good with that; my concern was changing the scoring.

Ms. Kurpiel: On the other one, I think that our question is so bad that we need clarification.

Mr. Apicella: There are other questions that are so bad.

Ms. Kurpiel: Like what?

Mr. Apicella: You went through areas where you had problems and you had a chance to ask questions differently.

Ms. Kurpiel: Yes, he applied the rules consistently and that is different from being asked a question on a form that is not clear.

Mr. Lott: When I went through this, the only one we had question on was the Silver property. We went with what was checked off on the application.

Mr. Adams, applicant: In looking at this, I could call the realtor and get six points just for putting a for sale sign in front. Nobody would buy it but now I am marketing the property. That is what I am worried about opening this back up, I can sit here and try to figure out ways to fluff my points.

Ms. Kurpiel: The question is, let us see if we can get over this issue in some way and come up with a different solution. What is this committee's proposal on dealing with these rankings once we have them? Is it our contention or our idea that the top score is the parcel that we are going to recommend to the Board to purchase? There is not a parcel here that I want more than what I see written here on paper.

Mr. Neuhard: I would advise against going to that step if there are any questions left in the way that you are going to score this. That is the third question and there is additional information that we are going to provide you for these properties for the third discussion. I think it is a valid discussion, I think that it is

premature if you are not… If you have any doubt about how we scored these, we need to resolve that before we talk about how we are going to make a selection.

Ms. Kurpiel: Let me tell why I raise that issue, Mike. At our last meeting I told you all there was some conversation money that we could potentially used, it is about 50 percent of what we have and instead of $600,000 it could be $900,000. Okay, that does sort of change the ball park and I have information on that tonight, which I am willing to share if anyone would like to hear it. That could potentially change if we go forward. I guess I was thinking, do we really want to get down into the weeds on this issue if we might be looking at more than one property. I agree that we could go the third and fourth ranked property and do more than one but I assume that is not the direction that we are going in.

Mr. Neuhard: You have six properties to consider. One of the six is the subdivision and the other part of the consideration is pricing and what you would get for your price and the number of development rights that you could retire. Another thing could be how much funding is available for additional purposes. I think there are a number of things that have to be considered but each part of your consideration needs to be solid and stand on it own. The question is, do we feel comfortable with the scoring and I agree with you, how far in the weeds do we want to get in this scoring. If we follow the methodology, we can justify the scoring and will have identified one or two issues that we take under advisement and need to investigate, maybe it will mean an adjustment to the score and maybe it will not. Then you need to consider relative scoring along with the other considerations in discussion to come up with your recommendation are. I do not know if you are going to recommend one property or three properties, you do not have to pass to the Board the top property, you can say these are the two best properties and here is why.

Ms. Kurpiel: I do not see how we can take that step without knowing some other things that the owner might be willing to do. For example, three of these properties have mortgages on them and that is a huge issue and one of my concerns about not moving forward now is if those mortgagors are not willing to subordinate, that is three properties that are out of consideration.

Mr. Neuhard: Perhaps you need to write your top three or four, remember the Board is the one that is going to make the decision based on our recommendations. If the first one does not go then we go to the second one and if the second does not go we go to the third one and so on. At some point we may say that it is not working anymore and we need to start over and that is the kind of thinking that you need to do in terms of making your recommendations to the Board and why they should go with this. That is one approach, the other approach is do we go out and ask if they are willing to do that. We could do that if the is an important question that the committee needs to have answered.

Ms. Kurpiel: If the owners are willing too…

Mr. Neuhard: If they are willing to subordinate, there is no use in asking if they are not going to be in your recommendation. If they are not even under consideration, there is no need for us to waste our time pursuing these properties.

Ms. Kurpiel: Let’s hope that the people that applied checked that out because I understand that takes a long time to resolve.

Ms. Clark: The applicants would be getting a lump sum and there is a high probability that most of that money would be going to a mortgage company.

Ms. Kurpiel: I would not be willing to make that assumption at all. The only way it would be clear is if the parcel was taken off of the main parcel. That is the only way the lender is going to do that.

Mr. Coen: If we got the information from Tri-County that answers section A number 4 and section B 5, and you were consistent about the restrictions and most those would be items that in the negotiation people would be comfortable with. Do we feel comfortable with saying that we can go forward in our next meeting and make a recommendation from there?

Mr. Ritterbusch: Yes.

Ms. Clark: I would agree to that.

Mr. McClevey: Yes.

Mr. Apicella: Yes.

Ms. Kurpiel: I am not interested in asking Tri-County what practices because that is not what is relevant. What is relevant is what they are willing to do. The law is what they should have, they should have it. The other issue is question, what question is that?

Mr. Coen: Section B 5 the restrictions.

Mr. Lott: Page two, section B at the bottom.

Ms. Kurpiel: What question number is that?

Ms. Clark: That is B 5, Landowners have agreed to any of the following restrictions, is that the one you wanted?

Ms. Kurpiel: Yes, at the bottom of page two, question nine.

Mr. Coen: Most of the committee feels that what they agree to do are things staff has applied uniformly.

Ms. Kurpiel: They have not been applied uniformly, have they?

Mr. Lott: I based it strictly on what they checked off.

Ms. Kurpiel: On what they checked off, that is correct. You said you had a conversation with one applicant for clarification.

Mr. Lott: That was on restrictions more than the Tri-County stuff. I did not change it.

Mr. Coen: So we're good to forward with the points we have here with the one exception being the cultural aspect. We can then go forward at the next meeting.

Mrs. Baker: Can I ask for clarification on the cultural one, if it does not fall into the category of adjacent or contiguous?

Mr. Neuhard: It says associate with.

Ms. Clark: I would assume that is farmed under Silver Ridge Farm.

Mr. Neuhard: So we would have to determine how it was associated. When it was started, there are a lot of questions to ask about that.

Mrs. Baker: That information is available through the agency.

Mr. Coen: Patricia, if you could email us the additional information about funding for the next meeting.

Mr. Neuhard: This is the additional information that is relevant to help you think about the decision process and to think about the properties and any issues we have been discussing.

Mr. Apicella: I thought I asked this question at the last meeting about the Silver property and the twenty-two development lots for $600,000, we are not getting the whole thing.

Ms. Clark: They are offering all twenty-two lots for $600,000.

Ms. Kurpiel: That has not been clarified, that would have to be a negotiation with the owner.

Mr. Apicella: I asked Kathy at the last meeting.

Ms. Clark: That is a question, are all twenty-two lots being offered for 600,000.

Ms. Kurpiel: That is a negotiation that is not part of this.

Mrs. Baker: If I answered that, I answered that not understanding the question.

Mr. Apicella: I asked if all 98 acres and associated development units were part of their application and submission. That is why I thought they were offering the entire parcel.

Ms. Clark: This says the potential cost for the Silver place is $660,000 and we only have $600,000. So the question is will they give us those whole twenty-two property rights for $600,000? In which case, it is a bargain.

Mr. Apicella: I thought that was the question that I asked and I thought that was the question that you answered.

Ms. Kurpiel: How much money do we have?

Ms. Clark: Five hundred ninety-nine thousand or something.

Mrs. Baker: Five hundred ninety-nine thousand, four hundred.

Ms. Kurpiel: And has that been in an interest bearing account?

Mr. Neuhard: That has been a part of the cash pool, the cash pool as a whole earns interest, the interest goes to the fund balance unless you ask that Board for the interest to be allocated for something specific. The interest is determined by the treasurer and typically a couple of percent.

Ms. Clark: And half of that is the grant?

Mr. Neuhard: We are going to end up paying the entire amount and then we would get reimbursed. We would front the entire amount and ask for the reimbursement.

Ms. Kurpiel: I would like to say in closing, that I do object to the committee's handling of question nine and it is not fair.

Ms. Clark: It is section B 5.

Mr. Neuhard: We are going to take all of the discussions under advisement and have further discussion with counsel and staff regarding what we heard tonight.

Ms. Kurpiel: I think you did a good job.

4. Next Meeting

- August 3, 2009 Regular Meeting (moved from July 28, 2009)

Mr. Coen: For the August 3 meeting, we will have the approval of minutes that we deferred. We will discuss the information regarding the programs and any information provide by Ms. Kurpiel regarding the additional funding.

Mr. Neuhard: When you reconvene and start considering how you are going to make your recommendation, that you do discuss that at the beginning before you get into the discussions of specific properties. In other words, what are you going to consider, are you going to rank them in order? You have to think about how you are going to convey this to the Board and then go into your final discussion. This is a reminder that the next meeting is August 3rd and not July 28th.

Ms. Kurpiel: I think we are going to lose a lot of momentum because the Board has not approved the referendum for this November. What can we do to keep the momentum going? Basically, we are looking at a two year timeframe of nothing happening in Stafford County in PDR. I think that is a real shame.

Ms. Clark: That could also have something to do with the parcels that we select and could we use those to help us educate later down that line.

Mr. Apicella: I know some people may not like this, but if we can get more money through this program, then we go through another round with that additional money.

Ms. Kurpiel: That is not possible.

Mr. Apicella: Why?

Ms. Kurpiel: Because it is matching and we have to use all of ours by a certain date and I do not think that we can hold ours back for another round, can we?

Ms. Clark: No. Were you talking about the additional $300,000?

Mr. Apicella: Yes.

Ms. Kurpiel: It has to be matched with this, the way the money is supposed to be allocated in this program is that we would pay 25 percent, the program would pay 25 percent and the owner would be doing the bargain sale for 50 percent. They would have to be together and since would money has to be spent by a certain date, this would have to go with it.

Mrs. Baker: The state is only going to reimburse the money that the County spent.

Ms. Clark: Well, the County is going to spend the same amount of money, they could just spread it out over more parcels. Is that right?

Ms. Kurpiel: Yes, we are still going to spend all of our money and all of the state's money.

Ms. Baker: I need to know more to be sure that the whole reimbursement with the state is going to apply.

Mr. Coen: We are looking at possibly presenting this sometime in September to the Board.

Mr. Neuhard: I would hope that what we would attempt to do is… I think that is a fair bet that it would probably be one meeting, but we would try to push all the information into them at that meeting. Anything that we would have to do with them in closed session and with them in open session, we would try to do it all in one meeting so there is contemplation and decision by the next meeting. We would also advise them of the time schedule that we are on for ultimate dissolution of all the money. We would push them not to go any longer.

Ms. Kurpiel: We still have not resolved the issue of the lenders and have not resolved the issue with the owners. I think you have a schedule that is going to be… Good Luck.

Mr. Neuhard: It is going to be tough but the good thing is that we are not going to negotiate price. The August meeting is looking very difficult right now, but if we have to try and get it on the agenda, we might be able to.
Ms. Kurpiel: I would try.

Mr. Apicella: I think what I hear you saying is that we need to be ready to make some decisions on the 3rd.

Mr. Neuhard: It would save us two to three weeks and that might be helpful.

Ms. Kurpiel: And we have to settle by February.

Mr. Coen: Okay, is there a motion to adjourn?

5. Adjournment

Mr. Ritterbusch: I make a motion to adjourn.

Mr. McClevey: Second.

The meeting was adjourned at 9:29 pm.