RESOLUTION NO. 2026-23

A RESOLUTION OF THE PLUMSTEAD TOWNSHIP BOARD OF SUPERVISORS ALLOCATING TWENTY-FIVE PERCENT (25%) OF THE EXISTING OPEN SPACE FUND TO THE DEVELOPMENT, IMPROVEMENT, DESIGN, ENGINEERING, AND MAINTENANCE OF PROPERTY ACQUIRED FOR AN OPEN SPACE BENEFIT AND ALLOCATING TWENTY-FIVE (25%) OF RECEIPTS FROM THE OPEN SPACE TAX TO BE USED FOR THE SAME PURPOSES EFFECTIVE JANUARY 1, 2027.

WHEREAS, the Open Space Lands Act, 32 P.S. § 5001 et seq., authorizes municipalities to use up to twenty-five percent (25%) of accumulated open space tax revenues for the development, improvement, design, engineering, and maintenance of property acquired for open space purposes; and

WHEREAS, the Open Space Lands Act further authorizes municipalities to establish a maintenance fund and to deposit into that fund up to twenty-five percent (25%) of the annual revenues generated by an open space tax for the development, improvement, design, engineering, and maintenance of property acquired for open space purposes; and

WHEREAS, Act 15 of 2022 empowers municipalities to expend open space tax funds to develop, improve, design, engineer, and maintain property acquired for an open space benefit regardless of whether the municipality used the open space tax money to acquire the given property; and

WHEREAS, the Plumstead Township Board of Supervisors desires to use twenty-five percent (25%) of the existing open space fund as of December 31, 2026 for maintenance in furtherance of open space benefits in Plumstead Township;[1] and

WHEREAS, the Board of Supervisors desires to adopt this Resolution to memorialize the allocation and transfer of open space funds for maintenance purposes and to ensure that funds previously allocated pursuant to the twenty-five percent (25%) limitation established by the Open Space Lands Act are not subsequently treated as eligible for an additional twenty-five percent (25%) allocation; and

WHEREAS, the Board of Supervisors further desires to establish an ongoing Open Space Maintenance Fund and, effective January 1, 2027, to allocate annually to such fund twenty-five

[1] Open Space Benefits include: (i) the protection and conservation of water resources and watersheds, by appropriate means, including but not limited to preserving the natural cover, preventing floods and soil erosion, protecting water quality and replenishing surface and ground water supplies; (ii) the protection and conservation of forests and land being used to produce timber crops; (iii) the protection and conservation of farmland; (iv) the protection of existing or planned park, recreation or conservation sites; (v) the protection and conservation of natural or scenic resources, including but not limited to soils, beaches, streams, flood plains, steep slopes or marshes; (vi) the protection of scenic areas for public visual enjoyment from public rights of way; (vii) the preservation of sites of historic, geologic or botanic interest; (viii) the promotion of sound, cohesive, and efficient land development by preserving open spaces between communities. 32 P.S. §5002(1).

percent (25%) of the revenues generated by the Township's open space tax for the development, improvement, design, engineering, maintenance, preservation, and stewardship of properties that provide open space benefits within Plumstead Township.

NOW, THEREFORE, BE IT RESOLVED this _____ day of _____, 2026:

1. Pursuant to the authority granted by the Open Space Lands Act, 32 P.S. § 5001 et seq., the Board of Supervisors hereby allocates twenty-five percent (25%) of the balance of the Township's Open Space Fund as it exists on December 31, 2027, for the development, improvement, design, engineering, and maintenance of property acquired for open space purposes and for the preservation and enhancement of open space benefits within Plumstead Township.

2. There is hereby established an Open Space Maintenance Fund of Plumstead Township, into which the funds allocated pursuant to this Resolution shall be transferred and maintained separately for expenditure on uses authorized by the Open Space Lands Act.

3. Funds allocated and transferred to the Open Space Maintenance Fund pursuant to this Resolution shall be deemed to have been allocated under the twenty-five percent (25%) limitation authorized by the Open Space Lands Act and shall not thereafter be considered part of the accumulated open space funds available for any subsequent allocation under that same statutory authority.

4. Effective January 1, 2027, twenty-five percent (25%) of all revenues generated by the Township's open space tax shall be deposited into the Open Space Maintenance Fund and shall be used solely for purposes authorized by the Open Space Lands Act.

PLUMSTEAD TOWNSHIP
BOARD OF SUPERVISORS

Matthew Given, Chair

Kenneth Lichtenstein, Vice-Chair

Daniel Hilferty, Member

Gregory Bankos, Member

Jennifer Moroney, Member

Attest:

Stacey Mulholland
Township Manager