

Ann Arbor Charter Township  
FARMLAND AND OPEN SPACE PRESERVATION BOARD MEETING MINUTES  
Monday, January 29, 2024  
Township Offices, 3792 Pontiac Trail, Ann Arbor MI

**I. Call to Order, Establish Quorum**

Chair Bartoshesky called to order the regular meeting of Ann Arbor Charter Township Farmland and Open Space Preservation Board at 7:37pm.

Present: Tom Bartoshesky  
Alex Cacciari  
Ken Judkins  
Ali Kawsan  
Jeremy Moghtader  
Cynthia Stiles

Absent: John Allison

Also in attendance: Land Preservation Consultant Barry Lonik  
Planning Assistant Jennifer Morris

**II. Approval of Minutes of Regular and Closed Session Meetings of November 27, 2023**

**MOTION by Kawsan, support by Judkins, to approve the minutes of the Regular November 27, 2023 meeting as submitted.**

**Motion passed unanimously by voice vote.**

**MOTION by Judkins, support by Kawsan, to approve the minutes of the November 27, 2023 Closed Session meeting as submitted.**

**Motion passed unanimously by voice vote.**

**III. Public Comment – None**

**IV. Blight and dumping easement language. Was the new language presented to the Board of Trustees.**

Chair Bartoshesky will follow up with the Township Supervisor regarding the motion made in November: “to submit the following language for inclusion in future easement agreements, to the Township attorney for review.”

**V. Bayer property update**

In litigation.

**VI. PA 116 tax benefits. Action by Township to object to new interpretation.**

A January 26, 2024 memorandum from Land Preservation Consultant Lonik is in the packets, regarding the November 27 discussion relative to the change in interpretation of PA 116, which provides certain significant tax benefits for farm landowners that enter into an agreement with the state that ensures that the land remains in agricultural use for a minimum of 10 years and up to 90 years. The new interpretation is if a landowner is pursuing a perpetual easement, the PA 116 agreement is terminated and not renewable. This interpretation is causing concern among conservationists as a tremendous disincentive to participate. The State Agricultural Department is being asked for clarification.

The January 26 memorandum gives a fuller explanation of the controversy. No action is necessary from the Township at this time. Lonik will continue to forward information as he receives it.

A link regarding Farmland and Open Space Preservation Frequently Asked Questions is here: <https://www.michigan.gov/mdard/environment/farmland/pa116/farmland-and-open-space-preservation-frequently-asked-questions>

**VII. Designated new easily accessible storage for FOSPB records.**

As follow-up to conversation at the November 27 meeting, Planning Assistant Morris was present tonight and will help with finding a central, easily accessible, online storage space for FOSPB policies and other documents, so that this information can be easily transmitted as Board members change, and institutional memory can be preserved.

**VIII. Status of 20-year report.**

20 year report will be sent to Treasurer Colvin-Garcia, who edits the Township newsletter.

**IX. Review of Preservation Board Policies**

Lonik combined 4 policies into one document, which is in tonight's packet:

1. Building Envelope Policy
2. Policy on Conservation Easement Monitoring
3. Affirmative Agricultural Easement Policy
4. Fiscal Policy

This document should be part of the effort discussed above under item VII. *Designated new easily accessible storage for FOSPB records.*

**X. Project Updates**

Land Preservation Consultant Lonik provided the following:

- Completed orientation with new FOSPB Member Stiles.

- One property was submitted before the deadline to the state grant program; this will be discussed further in Closed Session. The program will probably announce decisions in March.
- Millage renewal – the final millage collection on the 20-year millage is on the current winter tax bills. Information was included in tonight’s packets regarding what has been accomplished and what is left in the Township relative to conservation easements/potential land protection. The current fund balance is ~\$2M, and the current tax collection will generate another ~\$450K, for a total of \$2.5M. Based on past experience of leveraging fund balance funds with outside grants and matching funds from Greenbelt, County, State and Federal funds, the \$2.5M will become \$7.5M. Development rights have been selling for ~\$10K/acre, resulting in potential funding for 750 acres. The original goal was to preserve 2,000 acres, and right now 1,700 acres have been preserved. It is not unreasonable to think that with the funding just described, approximately 2,400 total acres could be preserved.

Per the Michigan Township Association, a millage renewal can be placed on the ballot up to one year after the last tax collection. Ann Arbor voters have strongly supported the land preservation millage in the past.

There are 3 opportunities to get the millage on the ballot in 2024: May, August, and November. Ballot language has to be approved 70 days in advance of the vote. The language could be recommended to the BOT at the next FOSPB meeting. Three things should be discussed: 1) Does the Township need to renew the millage? 2) Duration of the millage? 3) Restore the original millage rate?

Scio Township and Washtenaw County had included language in their ballot proposals to renew the millage and restore the original millage rate. Due to the Headlee amendment, in order to account for inflation, every year the millage rate decreases from the original.

- Policy documents – already discussed
- PA 116 memo/letter – already discussed
- Youssef property – postponed to next meeting, when Member Allison will be present.

**XI. End of Millage and New Millage Discussion “calendar year of last levy”**

Discussed above.

**XII. New Member Application**

A new member application had been received. Member Kawsan - who now lives in Canton – is continuing to serve and is an asset to the Board. After discussion, Member Kawsan suggested that the application be considered. If the applicant is a good fit for the Board, Kawsan would consider vacating his seat, but if not, Kawsan will stay on. This will be discussed at the next meeting.

**XIII. Matters Arising**

Member Cacciari shared that she had just begun a position as a conservation technician for a new USDA program, TOPP (Transition to Organic Partnership Program). She will be helping

farmers transition to organic farming, and connect organic producers with mentors and resources, and provide such things as outreach workshops.

**XIV. Closed Session**

At 8:23pm the following motion was offered:

**MOTION by Cacciari, , support by Moghtader, that the Ann Arbor Township Farmland and Open Space Preservation Board go into closed session under Sec. 8(d) of the Open Meetings Act, to consider the purchase of real property.**

**Roll call vote: Ayes – Bartoshesky, Kawsan, Judkins, Moghtader, Stiles, Cacciari. Nays – none. Motion passed 6-0.**

At 8:24pm the Board went into closed session, and returned to open session at 9:04 pm with the following motion:

**MOTION by Moghtader, support by Cacciari, that the Board return to open session.**

**Motion passed by voice vote.**

**MOTION by Cacciari, support by Moghtader, to recommend to the Board of Trustees appraisal of the property identified as 2023-4.**

**Motion passed unanimously by voice vote.**

**XV. Adjournment**

**MOTION by Kawsan, support by Moghtader, to adjourn the meeting.**

**Motion passed unanimously by voice vote.**

The meeting adjourned at 9:06pm.