

**EAST NOTTINGHAM TOWNSHIP
BOARD OF SUPERVISORS
PUBLIC HEARING RECORD
March 14, 2011**

Pursuant to public notice, the East Nottingham Township Board of Supervisors held a public hearing in the Township Building on March 14, 2011. Those present were: Chairman Leo M. Levandowski, Vice-Chairman Percy Reynolds, Supervisor Gene Turns, Supervisor Edwin J. Lobley, Supervisor John P. Coldiron, Treasurer Suzanne Hamlin, Zoning Officer P.J. Scheese, Secretary Pat Brady, Solicitor Helen Esbenshade, Planning Commission Chairman Joe Bauer and guests.

The hearing was called to order at 8:01 P.M. by Chairman Leo M. Levandowski.

Chairman Levandowski announced that the hearing involved acquisition of an agricultural conservation easement over lands of Ammon and Emma Stoltzfus, and then turned the hearing over to Helen Esbenshade, solicitor.

Solicitor Esbenshade stated that the public hearing is regarding the acquisition of an agricultural conservation easement over a farm located in Lower Oxford Township and in East Nottingham Township. East Nottingham is participating with Chester County under the Challenge Grant Program. The farm is owned by Mr. and Mrs. Ammon L. Stoltzfus, with an address of 105 Crowl Toot Road, Lincoln University, Pennsylvania. Approximately four acres of the farm is located in East Nottingham and proposed for purchase for agricultural conservation and preservation. The East Nottingham portion of the property bears a UPI number of 69-3-33.1.

The solicitor explained that whenever the Township acquires an open space property interest such as an agricultural conservation easement, the Township must comply with all of the requirements of the Pennsylvania statutes controlling conservation easements and the earned income tax provisions adopted by referendum by the citizens of East Nottingham Township. One requirement is to hold a public hearing.

The purpose of the hearing was to present information on the interest to be purchased and its open space benefits as well as to take comments or evidence from interested citizens who are affected by the proposed purchase. Reference was made to publication of notice of the hearing in the Daily Local News on February 21st and February 28th, 2011. A copy of the proof of publication as well as a copy of the notice letter sent to the property owners notifying them of the hearing will be entered into the record as part of the hearings. The solicitor noted that the property owners were informed that they were welcome to attend the hearing but that if they did not attend, it would not affect the outcome of the hearing.

The Township is purchasing an agricultural conservation easement over the approximately four- acre portion of the Stoltzfus property, along with the County of Chester at a purchase price of \$8,900.00 per surveyed acre, for a total purchase price of \$38,456.90. The Township is responsible for paying one-half of the purchase price. Township Treasurer Suzanne Hamlin reported that the Township will be responsible to pay \$19,228.45 as its share of the easement cost and incidental costs of \$313.16.

In exchange for payment of the purchase price for the easement from earned income tax funds either directly or through debt service, the Township will acquire a permanent easement restricting the land to agricultural use in perpetuity. The open space benefit is to protect and conserve farmland in the Township.

The Township will acquire an agricultural conservation easement recorded against the land and permanently restricting the use of the land to agricultural use.

Solicitor Esbenshade asked if anyone was present to represent the Stoltzfuses to no response.

Questions from the Board of Supervisors and Township staff present confirmed the total farm acreage of 69 + acres, of which approximately 4 are subject to the easement acquisition in East Nottingham, and that the Township's proposed purchase is of an easement over only the East Nottingham portion of the farm, with the cost of purchase being shared equally with Chester County.

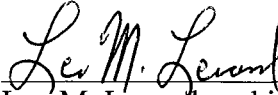
The floor was opened to comments or questions from others present at the hearing; no other person present wished to ask questions or comment or present evidence.

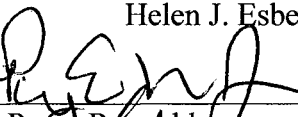
Upon no further comments, the hearing was closed at 8: 12; a motion was made and seconded to authorize moving forward to settlement on the purchase of the agricultural conservation easement over the Stoltzfus farm and for the solicitor to attend and take such action necessary on behalf of the Township to settle on the purchase on the terms stated.

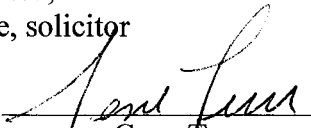
Aye: 4

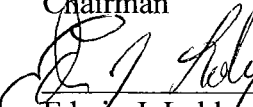
Nay: 1

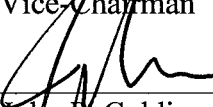
Respectfully Submitted,
Helen J. Esbenshade, solicitor


Leo M. Levandowski
Chairman


Percy Reynolds
Vice-Chairman


Gene Turns
Supervisor


Edwin J. Loble
Supervisor


John P. Coldiron
Supervisor