

**EAST NOTTINGHAM TOWNSHIP  
BOARD OF SUPERVISORS  
PUBLIC HEARING RECORD  
April 12, 2010**

Pursuant to public notice, the East Nottingham Township Board of Supervisors held three public hearings in the Township Building on April 12, 2010. Those present were: Chairman Leo M. Levandowski, Vice-Chairman Percy Reynolds, Supervisor Gene Turns, Supervisor Charles D. Shelton, Supervisor John Coldiron, Jr., Treasurer Suzanne Hamlin, Zoning Officer P.J. Scheese, Secretary Pat Brady, Solicitor Helen Esbenshade, Planning Commission Chairman Joe Bauer and guests.

The hearings were called to order promptly at 7:30 P.M. by Chairman Leo M. Levandowski.

Chairman Levandowski read the hearing notice advertised in the Daily Local News and turned the hearing over to Helen Esbenshade, solicitor.

Solicitor Helen Esbenshade stated that the three public hearings are regarding acquisitions of agricultural conservation easements over three farms in East Nottingham Township together with Chester County under the Challenge Grant Program. 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 PA 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 interests to be purchased and their open space benefits as well as to take comments or evidence from folks who are affected by the proposed purchases. Reference was made to publication of notice of the hearing in the Daily Local News on March 19 and March 26, 2010. A copy of the proof of publication as well as copies of letters sent to each of the property owners notifying them of the hearings will be entered into the record as part of the hearings.

**Easement Over the Farm of Christian F. and Salomie S. Esh**

The first hearing concerned a property owned by Christian F. and Salomie S. Esh (tax parcel #69-5-17). The Township is purchasing an agricultural conservation easement over a 40.422 acre portion of the Eshes' property located at 256 Union Square Road in the Township. The purchase price for the easement in total is \$320,142.24, of which amount the Township will pay one-half, or \$160,071.12.

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.

An appraisal performed by Bohem Appraisal Associates dated November 9, 2009 supports the purchase price.

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 Eshes to no response.

There were no comments or questions from the Board of Supervisors, nor did any other person present wish to comment or present evidence.

#### Easement over the Farm of Jonas S. and Sarah E. Lapp

Attention was then turned to the property owned by Jonas S. and Sarah E. Lapp (tax parcel #69-6-205, 69-6-207). The Township is purchasing an agricultural conservation easement over a 62.174 acre portion of the Lapps' property located at 3550 Barnsley Road in the Township. The purchase price for the easement totals \$492,4187.08, of which the Township will pay one-half, or \$246,209.04.

In exchange for payment of the purchase price for the easement out of earned income tax funds either directly or through debt service, the Township, along with the County, will acquire a permanent easement restricting the land to agricultural use in perpetuity.

An appraisal performed by Bohem Appraisal Associates dated November 18, 2009 supports the purchase price.

The open space benefit sought to be achieved from this transaction is to protect and conserve farmland in the Township.

In exchange for payment of the sum of \$246,209.04, the Township will acquire an easement recorded against the land and permanently restricting the use of the land to agricultural use.

Solicitor Esbenshade asked if anyone was there to represent the Lapps to no response. There were no comments or questions by members of the Board of Supervisors, nor were there comments by any other person present at the hearing.

Easement Over the Farm of Samuel S. and Emma L. Esh

Attention was then turned to the third and final hearing of the evening, concerning a farm owned by Samuel S. Esh and Emma L. Esh.

Like the other two hearings, this hearing involved the acquisition of an agricultural conservation easement through the Challenge Grant Program, over a 56.125 acre portion of the Eshes' property located at 538 Woods Road, East Nottingham Township, identified as tax parcel # 69-07-39.3A.

The purchase price for the easement is \$521,962.50, \$260,981.25 of which will be paid by the Township.

In exchange for payment of the Township's share of the purchase price for the easement out of earned income tax funds either directly or through debt service, the Township, along with the County, will acquire a permanent easement restricting the land to agricultural use in perpetuity.

An appraisal performed by Bohem Appraisal Associates dated August 17, 2009 supports the purchase price.

The open space benefit sought to be achieved from this transaction is to protect and conserve farmland in the Township.

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

Solicitor Esbenshade asked if anyone was there to represent the Eshes to no response. There were no comments or questions by members of the Board of Supervisors, nor were there comments by any other person present at the hearing.


Upon no further comments, the hearings were closed; a motion was made and seconded by Supervisor Shelton to adjourn the hearing at approximately 7:46 P.M.


Aye: 5

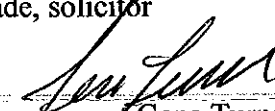
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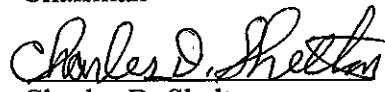
Respectfully Submitted,

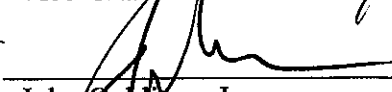
Helen J. Esbenshade, solicitor

  
Leo M. Levandowski  
Chairman

  
Percy Reynolds  
Vice-Chairman

  
Gene Turns  
Supervisor

  
Charles D. Shelton  
Supervisor

  
John Coldiron, Jr.  
Supervisor