

Judge supports

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In the Lancaster County case, Judge Eckman ruled that Weaver could continue with his building plans because those testifying on Weaver's behalf presented more persuasive testimony.

Judge Eckman considered three of Weaver's witnesses to be "experts." They were Lancaster County Extension Agent Jay Irwin, Penn State University poultry scientist Dr. Floyd Hicks, and Quarryville real estate man Dwight E. Wagner.

Irwin testified, Judge Eckman wrote, "that because the odors, noise and dust coming from a modern poultry house are minimal, in his opinion none of the homes would be affected because they are too far away."

The closest residence is 260 feet away from the poultry house site.

The Weavers' own home would be 220 feet from the proposed broiler house, which is to house 50,000 birds.

Irwin stated in his testimony that "the prevailing winds in this area are such that any odor, noise or dust emanating from the poultry house should be carried away from the

private residences in question." He also went on to say that Lancaster County produces 33 million broiler chickens each year and is the fifth largest broiler producer in the nation.

The court wrote that the most convincing testimony of all was that of Professor Hicks.

Dr. Hicks stated, after viewing the proposed site and surrounding buildings and reviewing construction plans and specifications, that in his opinion, no offensive odors would be produced and neither noise nor dust would affect anyone.

Wagner said that in his opinion real estate values would not suffer any depreciation, according to the court.

Judge Eckman ruled that the plaintiffs "failed to carry the necessary burden of showing that the anticipated nuisance is practically certain and not merely probable."

Plaintiffs in the case were Ronald J. Lack, Helen Lack, Joseph H. Miller, Charles J. Morrison, John S. Ressler, Martha A. Ressler, Harry P. Stager, and Edwin Stapler, all of Providence Township. They have 20 days from the



Construction of a 50,000 bird broiler house may begin on the Robert Weaver farm, according to a ruling by Judge D. Richard Eckman of Lancaster.

Oct. 23 decision date to appeal.

Ressler, one of the plaintiffs, noted while the decision was pending that "We're not against the farmer. But I think the farmer should give the other people some consideration, and I think we'd have a lot less problems." He believes the case would have never gone to court if Weaver had proposed to build his broiler house 500 feet back. "We're no trying to push agriculture out, we just feel we should have some consideration," he pointed out.

Ressler also told Lancaster Farming that real estate values would in fact drop by 10 to 30 per cent.

The plaintiff bases that statement on the opinion of Claude Smith, an auctioneer and appraiser.

Ressler also said he would have preferred a personal visit from Weaver prior to the time he finalized his building plans and charges that the granted variance wasn't properly handled. "I'm not saying that anything illegal was done, but I wish it would have been more in the open," the Providence Township resident told Lancaster Farming last Summer.

Ressler also contended that he considers a poultry operation such as Weaver's, which is being placed on 23 acres, an "industry" rather

than straight agriculture. He bases that opinion on the fact that the business depends on having just about everything, including feed and the birds themselves trucked in and-or out.

A man with a farming background, Ressler

clarifies that he understands agriculture, and he does not oppose the business when it's in its proper place. In the Weaver case, he wishes the farm were larger than 23 acres, and that the building would be constructed farther back.

Pa. Farmer's Assn. meeting set

GETTYSBURG - Voting delegates from 53 county associations of the Pennsylvania Farmers' Association will gather November 12 to 15 at Mount Airy Lodge, Mount Pocono to adopt policy on issues concerning agriculture and to elect officers.

Delegates from Adams County will be County President, Guy Donaldson, Gettysburg R3; James Behney, York Springs R2; Dale King, York Springs R1; and Mervin Myers, Littlestown R2. Alternates will be Vice President, William Slagle, Gettysburg R5; John R. Pitzer, Aspers; Lloyd Benner, Fairfield R1 and one unannounced alternate.

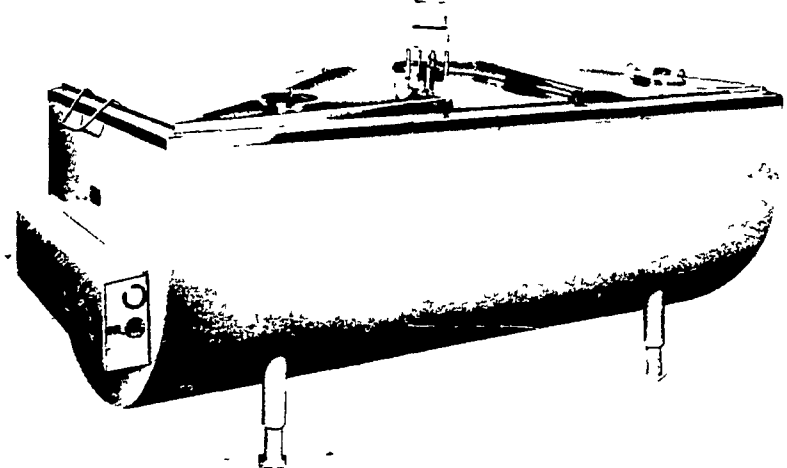
In addition to business, members will hear from a number of guest speakers and will participate in special events. Speakers include state Representative Noah Wenger of Lancaster County; Donald Gillis, executive vice president of the Pennsylvania State Chamber of Commerce; Mrs. Deborah Lehrer of the Pennsylvania Emergency Health Services Council, and Dr. G. Thomas Fisher, chairman of the Department of Entomology, University of New Hampshire.

Special events include special music by a volunteer choir of farm members from the entire state organized and directed by Mrs. Arthur Musselman, Gettysburg R3. The Choir will sing at the Vesper Service Sunday, November 12. There will be a presentation of the PFA Distinguished Service Award and annual reports by PFA President Eugene Thompson of Indiana County and PFA Administrative

Secretary, Charles Ord. Thompson will also preside at the annual county awards program recognizing outstanding achievements in Farmers' Association committee activities. There will also be a talent contest and a women's conference.

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