

Electric dispute

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not think it proper to pay for the use of the right-of-way land. They say they are doing the utility a favor keeping noxious weeds out.

But Chris Allen, natural resources director of Pennsylvania Farmers' Association, pointed out the utility holds legal title to the land and can charge rent if it desires.

Unlike many other utilities, PE purchases land its lines cross rather than simply obtaining easements.

More serious is the question of how PE determines the value of farmland.

"A Class II soil in Montgomery County probably is not as productive as Class II in Chester County," Kulp pointed out. "And a Lancaster County Class III soil may produce more than the Montgomery County Class II."

Kulp said Chester Farmers' Association members also question the precedent set by the PE rate structure. They fear all rents in the area will rise to the level PE is asking.

"Farms that are covered by a covenant such as Act 515 or 319 have smaller expenses so right-of-way charges on such land should be less," Kulp said.

Thomas W. Clime, Supervisor of Property Management for PE, admitted the system of charging rent based on soil class had its pitfalls.

He said the figures were arrived at by taking the average figures PE had been offered on open bids for farmland and then reducing them.

"We were trying to get a half-way decent method of arriving at a true value of the land," Clime said.

He said PE's figures were drawn from areas where they had put land up for rent. He said one farm they put up for bids had a high bid of \$68 per acre for Class I and II land.

He said the rates PE asked in its letter were "a basis to start off."

"The rate is negotiable," he said.

Several farmers voiced the fear that someone else would farm a strip of land across the middle of their farm.

Clime said PE's preference always is for the property owner to farm the land. He said PE had, in the past, allowed a landowner with a lower bid but a good record of maintaining the land to continue farming the land.

He also said PE would take a farmer's word if the farmer maintained the land under the lines was really Class III rather than Class II and would charge the lower rate.

"The rates mentioned in our letter are only to establish a base," Clime said.

The utility is not so flexible on the 30-day lease farmers are asked to sign.

Kulp pointed out the financial problems a farmer could encounter if the utility tore up crops shortly after planting.

Farmers also voiced concern that the financial burden of damage rests on them.

PE said it would refund our rent. It is little help to a farmer with \$20 an acre

invested to get \$35 back for his crop," Kulp said.

PE is unwilling to change the 30-day lease. Clime said it is in the form PE uses.

"I believe Pennsylvania law says the farmer has the right by law to harvest his crops. We try to give as much notice as possible. Usually we try to give six month's notice both in writing and in the field," he said.

"Crop damage is a tough one," he admitted.

He maintained PE has a good record and said they try to avoid any damage to crops.

He said if a farmer had rented a 10 acre plot and a truck drove through, the truck probably would not damage more than a acre's worth of crops.

But he said PE would forgive the entire agreement, not just the rent on the damaged land.

PE representatives have been in the field to talk to farmers. And they attended a meeting a few weeks back in Montgomery County

where the problem was discussed.

But the Chester County farmers are not placated.

"Let them mow the weeds," was how one farmer felt.

A number of growers said they feel they should be allowed to farm the land free of charge.

"We are paying from both ends. The farmer is a big user of electricity and pays high rates. Now they want us to pay high rents for the land," he said.

"We want to get this resolved," Kulp said. But as President of the Chester County Farmers' Association, his advice to farmers is: sit tight.

"I say we shouldn't pay rent," he said. "The next move is up to PE."

Responded PE's Clime, "We're willing to talk to anybody. We are working on different rates."

"We are not changing our policies, but we prefer to see property used by the adjoining property owner," he said.

Both sides can anticipate the issue coming to a head soon. Spring plowing and planting is less than two months away.

How right-of-way dispute developed over years

CAMP HILL — Much of the ill-feeling over the right-of-way agreements presented by Philadelphia Electric can be traced back 50 years or more.

At that time, PE was purchasing land for transmission lines. Agreements were signed with the farmer-landowners for the purchase of the land.

In the agreement was a clause saying the current owner of the farm could farm that land rent-free for as long as he held the property.

But 50 years is a long time. For the most part the agreements were forgotten.

Then, in the early 1970s, utilities, including PE were faced with higher costs and the need to request rate increases from the Public Utility Commission. Consumers opposed the rate increases.

Both consumers and utilities recognized the land under utility right-of-way lines as a potential for in-

come. The decision was made to charge rent.

Farmers who had been using the land rent-free for years were shocked.

According to Chris Allen, director of natural resources for Pennsylvania Farmers' Association, present day owners don't have a legal leg to stand on. PE owns the ground. PE can do what it pleases with the ground.

"A lot of the new landowners were not even aware of the requirements. Most people looking at a title search see the overhead lines and regard them as an easement," he explained.

PE's Thomas W. Clime, Supervisor of Property Management, said it has always been PE's policy to attempt to buy the land its lines cross.

Clime pointed out most present day owners do not have a right to farm the land.

"It is a licensed agreement, a form of permission. It is not a right," he said.

He added the licensed agreement might not show up in farmers' deeds.

When the question of ownership was made clear to farmers back around 1975, PE pushed its claim to future rents.

In many ways the agreement presented today for farmers to sign was similar to that offered in 1975.

"There was no way we could council a farmer to sign that agreement," Allen said.

So the question died down. A number of farmers paid rent for the land they used. Some paid rent for a while and then stopped. Others used the land right along.

Farmers today still voice the conviction the original agreement, allowing the farm owner to farm the land rent-free, was a covenant.

They say the agreement should not change until and unless the land use changes.

Others have said they feel PE is just waiting around for the original landowner to die so PE can start charging rent.

Still others say the amount of money charged for rent, while significant to farmers, will make an insignificant dent in PE's income.

Today the sides are looking at different aspects of the same questions. PE sees its legal right as a landowner. Farmers see the tradition of rent-free land along right-of-way.

A court settlement, which probably would be in PE's favor, would be bad public relations for the firm. Farmers probably have the most to gain by hammering the subject out again over conference table.

The result will affect farmers across the lower part of Pennsylvania as into Maryland. — CH

Ginny Thornburgh boasts Pa. agriculture

BY SHEILA MILLER

HARRISBURG — Ginny Thornburgh lent a helping hand to the Pennsylvania Department of Agriculture's new promotional push for the state's farm and food products on Wednesday.

As part of the kick-off ceremonies for "Pennsylvania Agriculture — We're Growing Better" campaign, the Governor's wife and PDA Secretary Penrose Hallowell visited the Weis Markets store located off Progress Avenue in Harrisburg.

The new logo was clearly visible as the state officials and everyday customers entered the store. This was the first time any store had actually used the logo on Pennsylvania produce since it was introduced at the Farm Show in January.

"I am pleased that retailers are now using the logo to promote the sale of state products," said Mrs. Thornburgh. "For too long, Pennsylvania agriculture has suffered at the expense of aggressive promotional campaigns in other states."

"The importance of buying our state's products should not be overlooked," she added. "By buying Pennsylvania, we will be creating additional jobs on our farms and in our food processing plants. We will also help revitalize fallow farmlands by creating new markets for our products and conserve energy by

reducing transportation distances."

Mrs. Thornburgh noted the new logo can be a sign for the consumer that the product they are buying has the mark of quality. "Most people don't realize that you can buy Pennsylvania lettuce in the middle of February," she said, holding up a bag of hot house lettuce grown in Montour County.

With Secretary Hallowell, Mrs. Thornburgh and several officials from Weis Markets loaded a grocery cart with foods grown or processed in the Keystone State. Potatoes, apples, lettuce, turnips, mushrooms, bacon, pretzels, macaroni, eggs, and other grocery goodies filled the cart to the rim.

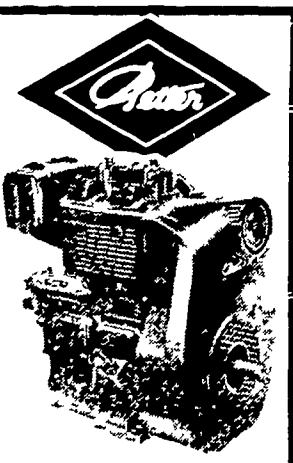
The Weis Markets vice-president, Micheal Rheam, was on hand for the kick-off ceremonies, along with the director of perishable merchandise, George Michalak, and director of consumer services, Carol Ernst.

According to James Sumner, PDA's director of the Bureau of Markets, the department has set a goal of September to have the logo incorporated into the food

products system. PDA is working through the Grocers Association, Food Merchants Association, and the Food Processors Association.

"We have about a half million labels on the press right now to go on Pennsylvania products," Sumner added. "We are also printing up aluminum signs for farmers to use at farmers' markets and at roadside farm stores."

The bureau director said PDA wants to be out front with this promotional campaign to let the consumer know that in Pennsylvania, "we're growing better".



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