

# Lancaster Farming

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## Court Has First Test Of Preservation Act

BY EVERETT NEWSWANGER, Managing Editor

**NEW TRIPOLI, (Lehigh)** — The efforts by the Northwestern Lehigh School District to acquire prime farmland to build a new middle school has not only caused trauma for the 85-year-old farm owner and his 90-year-old wife, the process has also evolved into the first critical court test of the validity of Act 43, the state farmland security law.

Raymond Snyder and his wife, Elma, along with the Northwestern Lehigh Taxpayers League, the Lehigh County Farmers Association and other concerned citizens have been at odds with the district school board for some time now.

The 26 acres—irrigatable potato ground with a farm pond—lie north and adjacent to the school campus. The land in

question has been put into an Agricultural Security Area to qualify for Act 43 protection.

Under this farmland security act, prime farmland cannot be taken if it will have an adverse affect on agriculture in the area or if there is no reasonable alternative. Both requirements must be met and four out of four government bodies are required to agree on condemnation. In this case, the four include the State Agricultural Lands Condemnation Approval Board; the Lehigh County Commissioners; the Heidelberg Agricultural Area Advisory Committee and the Heidelberg Township Supervisors. The Township Supervisors are the only body to side with the school board.

When the ALCAB heard the

case, they ruled that the school board failed to meet the requirements to take the land on both counts. Fred Wertz, research analyst and spokesman for the Pennsylvania Department of Agriculture, said that during the state hearings, a technicality was discussed. The school board contended that they had started proceedings before the area was placed in an ag security area. But the ALCAB found that while the school board had passed a resolution, the condemnation proceedings had not begun.

So the school board has appealed the ALCAB's ruling in the Commonwealth Court and they have filled an appeal of the Lehigh County Commissioner's ruling and the Heidel-

berg Ag Area Advisory Committee's ruling in the Lehigh Court of Common Pleas. Thus, the first test of Act 43 is before the courts.

Bill Adams, Pennsylvania Farmers Association's director of natural resources, said the only previous possible test of

(Turn to Page A20)

## Five Farms Threatened

**EPHRATA (Lancaster)** — At least five farms in southeastern Pennsylvania now stare eminent domain proceedings in the face. These proceedings by local school boards and even township commissioners have caused some observers to cry "unconstitutional" and to call this land condemnation power a "virus" that has spread down through local governing bodies.

At best, these proceedings have often ignored the thoughtful consideration of the need for

farmland preservation and the needs of the farm families who have tilled the soil for generations and invested in the land for their retirement income. At worst, the local citizens have been deprived of their constitutional right "to petition their government for a redress of grievances".

In Lehigh County, during the process of the condemnation of the Raymond Snyder farm at New Tripoli by the Northwest-

(Turn to Page A20)

## There's More To Life Than Cows

BY PAT PURCELL

**LEBANON** — Jim and Pamela Berry were honored recently for having the highest increase in herd production in Lebanon County DHIA for 1988. They weren't there for the presentation because they weren't expecting an award.

They work hard to do the best job they can, but didn't realize they had done better than anyone in their county. Being good at what they do is important to them, being the best is not a top priority.

Whenever anyone can increase herd production in one year by 2,637 pounds, dairymen want to know how they do it. Was it a change in the feed ration, cut in the somatic cell level or was the result of good breeding and heavy culling?

These are usually the reason behind increase milk production, but not for this couple living in south Lebanon area, milking 58 grade Holsteins and renting 100 acres of land.

Jim and Pam are quick to share their secrets for increasing production, but the story behind their

award is really no secret at all. There's much more to the Berrys' story.

Their life in farming has been one of constant change and upheaval. While bad luck appeared to follow the Berry's, they always managed to find some good in it. But through it all, they have learned a great deal. Most

importantly they've learned what's most important in their lives.

"The first two years I started farming on my own you could eat off the floors in the barn. My cows were always cleaned and clipped, Jim explains as Pam nods her head in agreement.

But they know differently now.

"We soon learned there was more to life than cows. And now we enjoy paying back the kindness and generosity which our neighbors, friends and family have shown us," said Jim.

"When we got into farming we always thought we'd get a place of our own, but now we're not sure that's the most important thing to

us. We just want to do the best job we can and enjoy life," said Pam.

**Starting From Scratch**

For young couples coming from a farm background getting their own start is not easy. For young couples with no farm background the task is almost unthinkable.

Neither Jim nor Pam come from

(Turn to Page A26)

## Holiday Deadlines

The office of Lancaster Farming will be closed Monday, Dec. 26 for the Christmas Holiday. Deadlines for the Dec. 31 issue are as follows:

Mailbox Market Ads- Noon Tuesday, Dec. 27.

Public Sales Ads- Noon Tuesday, Dec. 27.

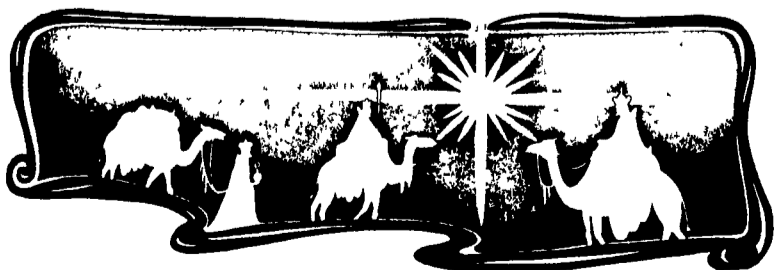
General News- 5 p.m. Wednesday, Dec. 28.

Classified Section B Ads- 5 p.m. Wednesday, Dec. 28.

All Other Classified Ads- 9 a.m. Thursday, Dec. 29.

Late-breaking News- 5 p.m. Thursday, Dec. 29.

## Season's Greetings



May the joys and blessings of the Christmas season be yours throughout the year.

Best wishes from the Lancaster Farming staff.



The Berrys of Lebanon earned the award for highest increase in herd production for 1988. They began farming on their own eight years ago and this potatoe digger was the first peice of machinery purchased. Pictured from left: Pam, Jamie, Phillip and Jim.