

## Court Has First Test Of Preservation Act

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that law could have come in July of 1987 when the Bedford Airport Authority applied to ALCAB for farmland to build an expanded airstrip. But when they were denied the request they decided to take other land and did not appeal the condemnation board's ruling.

"We take the stance that we don't want farmland used, especially if there is an alternative," Adams said. "The case in Lehigh County is additionally distressing because of the elderly farm couple involved.

Curtis Staudt, Lynnport, vice president of the Taxpayers League agrees. "The needs of the school district are debatable as far as when and how large any addition should be built," Staudt said. "But we must save farmland now. You can build a school any place. And other land is available. Some experts even say it's better to separate middle school children from the older students."

"Our whole valley where the prime farmland lies is already gone. If this Agricultural Area Security Law is of any value, now is the time for it to work," Staudt said.

No one knows what the court will examine, but the consequences could be far reaching.

"The ball game is wide open," Wertz said. "The court could take a narrow view and uphold ALCAB's decision, or simply say the condemnation approval board made a procedural error. Conversely, the court could take a wide view and say that school boards are covered by the Pennsylvania School Code and not ALCAB." The narrow view would be less hazardous for the Agriculture Security Act. The Act would remain valid and any procedural errors could be changed in accordance with the courts ruling when the appeal was again presented.

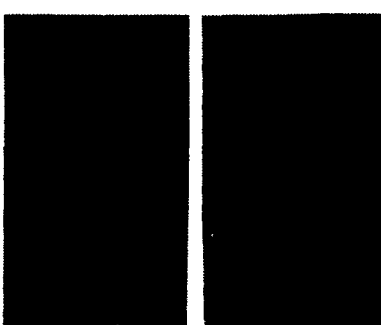
In the wide view, if the court determines that school boards are covered by the Pennsylvania School Code and not by ALCAB, land condemnation processes for school districts, like utilities, would become exempt from Act 43. "Such a

move would be a detriment to the Act," Wertz said. "We don't want to start a list of groups that are exempt from the farmland preservation law."

For the Snyders, the sleepless nights started last spring when several members of the school board asked them to price 20 acres of their land. "From there things went from bad to worse," Snyder said.

The progression of events that have caused pressure for the elderly couple include, a later request for six additional acres; the hearing before the ALCAB at the Germansville Fire Hall, the on-again, off-again referendum the taxpayers league attempted to get on the ballot in November and what appears to be the callousness of old family friends.

"They have burdened me



Elma and Raymond Snyder

with the condemnation of my land," Snyder said. "When you work a piece of ground for forty years and struggle through the depression to pay off the mortgage—it's discouraging."

Snyder's parents acquired the land when he was three-years-old. At age 14, Snyder drove the potato planter that was responsible to generate the

cash flow from the land in question. In 1927 when he was 23 years-old, Snyder took full responsibility for the farm. He "went to farming" when his parents moved to town.

Over the years, Snyder developed the fertility of the land. In addition, he made a three-fourth acre pond in the low part of the field, drilled a well and installed a deep well pump to replenish the water in the pond when the potato fields were irrigated.

"My fields now have 1,100 feet long rows," Snyder said. "If they condemn my land, what's left will be about 200-foot long rows. Anyone who knows farming knows that cuts down the value of the land that's left."

So, while the pros and cons of Northwestern Lehigh School

District's need for a new school continues to be debated by local citizens, the fate of the Agricultural Area Security Act lies in the hands of the courts.

Governor Robert Casey placed his signature on a bill to preserve farmland last week. This new law provides funding, details implementation and guides how the state farmland preservation program will work.

If the court rules against this elderly farm couple in Lehigh County and allows the school board to take away their prime farmland in an Ag Security Area by eminent domain, the governor may as well have signed a blank piece of paper. Because in that case, the farmland preservation law won't be worth much.

## Five Farms Threatened

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ern Lehigh School District, more than half of the rural citizens eligible to vote in the district signed a petition to have the issue put on the ballot as a referendum question in the November election. The petition was sponsored by the Northwestern Lehigh Taxpayers League.

The local election board agreed to comply with the wishes of the people. But just before the election, the court ruled that the question need not be put up for a vote.

While this land condemnation issue has now become the first test of the state farmland security law, Allan Cook, chairman of the board of the Pennsylvania League Of Taxpayers says this issue goes deeper than defending the Farmland Law. "As long as school boards have the right to eminent domain and the right to ignore the petition to a referendum, they will take the farm first and then they will take all of us later with the ability to tax."

Cook's prediction may have already surfaced among the people in Bucks County. Some of the neighbors to a farm that has already been condemned have expressed fear that the

new \$11 million new Palisades High School at Kintnersville will cause taxes to be raised out of proportion to their ability to pay.

Mary Buck, farm owner, says neighbors have sent her Christmas cards with notes that say they believe they will now be taxed out of their own properties.

The Buck farm of 37 acres that lies across Route 412 from the school is in the final stage of the process. This means the matter is before the Board Of View where they will decide how much to pay for the land that has been condemned. The Buck family should have their answer in about two weeks.

When Clarence and Francas Lichtenwolmer, Macungie, were first approached to sell their farm of 78 acres to the East Penn School District in Lehigh County, they immediately worked with other farmers in the township and placed their land in an Agricultural Security Area. This caused the local school board to take a second look and hold up proceedings.

"The discouraging part is that we have over \$3,000 in legal fees," Mrs. Lichtenwolmer said. "But you must have an attorney to speak for you in

these matters. Still, you feel it when you could have used the money for other things around the farm. Yet through no fault of your own, you need to defend yourself."

The Lichtenwolmers believe every farmer should be part of an ag security area.

"Farmers are not informed that an ag security area is not the same as selling development rights," Mrs. Lichtenwolmer said. "When you are part of an ag security area you receive protection from eminent domain and many of the nuisances from urban neighbors. Later you can still sell your farm, even for development, if you want to."

In Lancaster County, the Manheim Township School Board along with the Manheim Township Commissioners have filed the necessary papers to take Josie Buckwalter's farm at Litz R.D. 3. The local officials want the farm, that's been in the family for several generations, to build an additional school and to use the land for a park.

Of course, the Buckwalters have contested the move, but the joint effort that includes the local supervisors adds credibility to the beliefs of numerous citizens that the "virus" of eminent domain power has spread not only through to the local

school districts but also now to other local governing bodies as well.

The potato farm of Naaman King in Chester County has gone through the condemnation process by the Octorara School Board. And the court sided with the farmer when the appeal was made. But the local school district continues to seek ways to gain control of the entire 102 acres even though the original needs were for 30 acres. The latest appraisals obtained by the district are more than \$10,000 per acre below the appraisal price given to King by a local realtor before the condemnation proceedings had started.

Whatever the outcome in any of these proceedings, it's clear that local school boards have gained a tremendous power over the citizens of their district through the growing predilection to use eminent domain and to use the courts to find a favorable ruling that will let them use their power.

In addition, it's clear that no property owner in Pennsylvania, farmer or home owner, is completely safe from the possibility that some local governmental body with the power of eminent domain will some day knock on the door and serve a condemnation notice. Maybe it's a virus after all.

## Hiddenview Holsteins Top Berks DHIA

KUTZTOWN (Berks) — Berks County DHIA members gathered Tuesday, December 6, at the Kutztown Grange for their annual meeting and awards banquet.

Hiddenview Holsteins of Robeson was again the top herd in milk production at 23,330 pounds, top in butterfat, 855 pounds and top in protein production at 743 pounds.

Daview Farms of Kutztown came in second in herd production at 22,091 pounds of milk. Junge Farms of New Tripoli took second in herd butterfat production at 843 pounds and Mertz Brothers of Kutztown took second in protein production with 708 pounds.

Meadow Spring Farm of Bernville had the lowest somatic cell count for the year at 133,000. In second place was Harold Dietrichs of Hamburg.

**Top Fat By Breed**  
Berks County DHIA Awards  
Carol Dreisbach of Hamburg owns the highest butterfat producer in the Jersey breed, #409, with

915 pounds. Highest butterfat producer in the Ayrshire breed is Lydia owned by Heindel Farms of Womelsdorf.

Highest in Brown Swiss butterfat production was Emily owned by Dean & Brenda Daubert at 938 pounds. Neisha owned by Carl Hollenbach had the high for the Guernsey breed.

High Holstein butterfat producer was Fobes owned by Plushanski Farms at 1600 pounds. Highest butterfat producer in the Milking Shorthorn was Solo owned by Sam Yoder of Shoemakersville.

**High Jersey Milk**  
R. Dreisbach, 19,696 M, 747 P, #374.

**High Jersey Fat**  
C. Dreisbach, 915 F, #409

**Low Somatic Cell Count**  
Meadow Spring Farm, 133,000

**Second Low SCC**  
Harold Dietrich, 141,000

**Most Improved Fat**  
Daview Farm, + 118 lbs.

**High Lifetime Protein**  
Margo, Hiddenview Holsteins,

5,153 P

**25 Years Service**  
Donald Lutz

**High Ayrshire Fat**  
Lydia, Heindel Farms, 828 F

**High Brown Swiss Fat**  
Emily, Dean and Brenda Daubert, 938 F

**High Guernsey Fat**  
Neisha, Carl Hollenbach, 760 F

**High Holstein Milk**  
Marble, Hiddenview Holsteins, 34,363 M

**High Holstein Fat**  
Fobes, Plushanski Farms, 1,600 F

**High Holstein Protein**  
Thel, William Howerter, 1,169 P

**High Herd Milk**  
Hiddenview Holstein, 23,330 M; 855 F; 743 P.

**High Lifetime Milk**  
Heindel Farms, Lee, 283,372 M; 11,552 F

**Most Improved Milk**  
Chris Kratzer, 3,191 M; 143 P.

**High Ayrshire Milk**  
Heindel Farm, Dawn, 21,157 M; 657 P.

**High Brown Swiss Milk**

Dean & Brenda Daubert, Liberty, 25,937 M, 894 P

**High Milking Shorthorn Milk**  
Sam Yoder, 19,425 M; 669 F; 611 P

**High Guernsey Milk**  
Richard Schlegel, #5, 16,438 M; 575 P.

**Second High Herd Milk**  
Daview Farms, 22,091

**Second High Herd Fat**  
Junge Farms, 843 F.

**Second High Herd Protein**  
Mertz Brothers, 708 P.

**Director Listing, 1988-1989**

Circuit 1: Daniel Schuler, Fleetwood; David Schuler, Fleetwood.

Circuit 2: Ray Moyer, New Tripoli; Donald Meyers, Kempton.

Circuit 3: Robert Yanos, Douglasville; Fred Walters,

Douglasville.

Circuit 4: Helene Dreisbach, Hamburg; Robin Phillips, Mohrsville.

Circuit 5: Mervin Brubaker, Womelsdorf; Eugene Brubaker, Hamburg.

Circuit 6: Donald Duncan, Robeson; F. Mark Weber, Mohnton.

Circuit 7: Harold Dietrich, Hamburg; Arlan Krick, Lenhartsville.

Circuit 9: Richard Hoopes, Hamburg; David Gross, Hamburg.

Circuit 10: Forrest Stricker, Wernersville; Paul Zimmerman, Bemville.

Owner Sampler: Christine Grubb, Mohrsville.



Your assurance  
of a real  
dairy food.