

Court Rules In Favor

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Madaline Palladino wrote: "Condemnation of an entire working farm for school buildings projected to be needed over the next five to 12 years where probable need is based on assumptions and possibilities that have been challenged by contrary evidence is beyond the eminent domain power vested in the board by the public school code and constitutes an abuse of discretion."

Richard Breckbill, president, Chester/Del. County Farmers Assn., said that the Commonwealth court's decision to uphold the decision by Chester County Common Pleas court judge, Charles B. Smith, was a step in the right direction.

"At our board meeting Wednesday evening we agreed that we continue to support Naaman King 100 percent," Breckbill said. "And we hope this decision will stop the expensive waste of local taxpayers' money in legal fees."

"We know the school will need additional land in the future," Breckbill said. "We just hope good farmland doesn't need to be used."

One of the major concerns expressed by farm leaders is the idea that the school district has condemned the whole farm and took title of both land and mineral rights without negotiating a purchase price or making any payment to King. In addition, these farmers believe that one of the deciding factors in the court's decision was the idea proposed by some school board officials that they can speculate with the remainder of the unneeded land.

But Attorney Alan J. Jarvis, the school district's solicitor, said in a telephone interview Friday that both suppositions by the farmers are false. First, Jarvis said the school district would have needed to immediately pay an "estimated just compensation," if King would have agreed to the condemnation. But since the courts have been used in this case, compensation is not required until all legal avenues have been explored.

And as for "speculation" on the land not needed for school purposes, Jarvis said they just can do that. "The law says that any land not used by the school within ten years would need to be turned back

to King at the price they paid for it," Jarvis said.

Jarvis did not know about the taking of mineral rights.

As for the ruling last week, Jarvis thinks the court used contradictory reasoning to arrive at its decision. "They said the school board acted properly with the information it had before it," Jarvis said. "Yet they turn around and find an abuse of discretion. I think what they are saying is that you can't use condemnation for long range planning. And I have never heard a case argued that way before."

Jarvis also contended that the judges were wrong when they prevented him from arguing the facts of Smith's original decision. But in her brief, Palladino referred to the position of the state Supreme Court, which has said that the power of eminent domain poses such an infringement on private rights that its use must be strictly regulated.

King answers the question that he and his family had planned to develop their land anyway by noting that all his land is in Act 515. This act provides tax relief for Chester County farmers who agree to restrict their land against development.

"All my land is in Act 515," King said. This means I cannot sell lots smaller than ten acres. And if I want to change it, I need to give 10 years prior notice and pay all the roll-back tax and compound interest.

"We want to farm," King said. "I hate to see land covered with concrete. And I feel bad that we call this progress."

An article published in the March edition of the school student newspaper "Brave Ledger" gave the school board's position in relation to the available 85 acre farm of Aldus King (Naaman's cousin) vs. the King farm in question.

"For the past several months the school board has also explored the possibility of purchasing all or part of the 85-acre Aldus King property, also adjacent to the existing school site," the report says. Although Mr. Aldus King has expressed a willingness to discuss the sale of his property, ...portions of the Aldus King property are

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firmed by other agencies using paper for bedding purposes. Also, in Israel where they have the top producing cows in the world, their cows are getting 4-6 pounds of straw per day.

--Utilize food processing wastes such as wet brewer's grain, liquid whey, and apple pomace. These food processing wastes keep new England and the Shenandoah Valley farmers in business, according to Adams.

--Cut down on feed waste. Some forage and feed systems can actually lose up to 35 percent. The method of hay storage by using the large round bale is the biggest contributor to forage waste.

suitable for the school site, although the Naaman King property is far more suitable.

The report then lists a "significantly" less cost per acre because of the agriculture zoning; the "physical proximity" as more suitable to the present school site and the less desirable "slope of the land and soil type, as the three main reasons they seek the Naaman King farm rather than the Aldus King farm.

No author for the school newspaper report was given but a "LIFE vs. LAW" hand-lettered logo appeared at the end of the article.

While those who support farmland preservation say the ruling is a great victory for farmers, King is much more subdued in his response.

"When I see that they have revested the land title and mineral rights back in my name, I'll know it's over," King said. "I've learned not to rejoice too soon, though it's a step in the right direction."

"I really don't think it's fair to condemn a man before he's proven guilty," King said. "And I do think it's thievery to condemn the land without prior negotiations."

Apparently the court agrees with King. But the school district may still request to be reheard by the Commonwealth Court, or they can take the case to the State Supreme Court.

Whatever the next move by the school district, King says the legal costs have been "horrendous". "We just live a day at a time," King said.

'89 Water Shortage

Conserve Water-Feed High Moisture Feed

Conservation of water will be critical in 1989. It takes a lot of water to produce milk. To lower water use farmers can use more pasture and green chop and other feeds feed with high water content.

Consider these forages:

--Pasture is 20% Dry matter (DM) content and 80% water;

--Haylage is 50% DM and 50% water;

--Hay is 90% DM and 10% water.

--Wet Brewers grain is 24% DM and 75% water;

--Liquid Whey is 5% DM and 95% water.

"Cheese plants are going out of business because they can't get rid of the liquid whey," said Adams. "And it may cost you absolutely nothing or a minimal amount for the hauling."

That adds up to a big difference in water consumption on a 60 cow herd and it may improve reproduction and milk performance on those animals.

Crop Insurance—Sign Up By April 15

Farmers have until April 15 to sign up for Federal Crop Insurance. And according to Bill Foose, from the the FCIC in Harrisburg, farmers need to take action to hedge against possible losses because the word from Congress is there won't be another disaster relief bill in 1989.

There is a variety of crops which are insurable, but if farmers want other crops insured, Foose recommended they go directly to their Congressman to have specific crops added to the list.

Soybean crop insurance, according to Foose, is now available in every Pennsylvania county.

Farmers have a choice of coverage level and they should give this a great deal of thought. Most farmers select the 65% level. The 50% level in most cases will not cover the farmers costs of production.

For example, at 50% a farmer who usually harvests 100 bushels of corn per acre would only be paid for the difference between his actual yield and 50 bushels. At the lowest level, FCIC will pay the farmer \$1.50/bushel for every bushel he is below his guarantee of 50 bushels. The claim most likely will not cover his production costs.

Also, for those farmers with more than one farm, if they go by ASCS records the production figures for all farms are combined and treated as one unit. So if there is a loss on one farm, the farmer may not be compensated for it. However, if the farmer can produce 1988 yield records, the FCIC can set up farms as individual units.

Farmers must analyze how much it actually costs them to produce their crop and the obtain the coverage they need accordingly.

Franklin County Plans

4-H Dairy Calf Sale

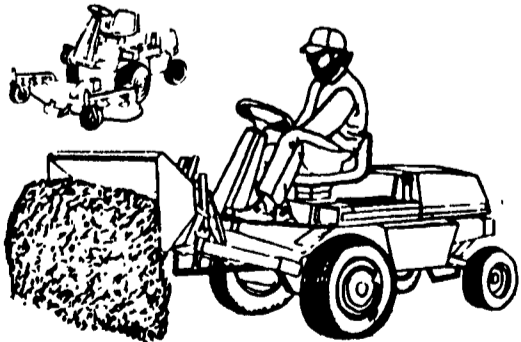
CHAMBERSBURG (Franklin) — The Fourteenth Annual Franklin County 4-H Calf Sale will be held on Friday, April 14, at 7:00 p.m. The sale will be held at Ralph Horst's sale barn, which is located one mile East of Marion along Route 914 just off I-81 at Exit 4.

The sale, which is open to the public for bidding, will feature approximately 25 calves. Franklin County 4-H Dairy Council spon-

sors the sale with commission fees going to support 4-H dairy club educational activities.

Sale catalogs will be available at the sale and at the Franklin County Extension Office after April 11th. Richard Crider, Chambersburg, is sale chairman. For more information contact the Franklin County Extension Office is 717-263-9226.

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