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Law To Limit Land Seizure By Eminent Domain Upheld

BY EVERETT NEWSWANGER, Managing Editor

HARRISBURG (Dauphin Co.) The Commonwealth court last week upheld the state's Agricultural Lands Condemnation Approval Board's (ALCAB) decision to bar the North-western Lehigh School District from condemning farmland in an Agricultural Land Preserve. In addition, the court also said the ALCAB has been specifically given the right by the state legislature to limit the power of eminent domain pursuant to the state's policy of preserving "Agricultural Areas." The opinion written by Senior Judge Jacob Kalish said, "In the instant case the record shows that with respect to the policy to preserve agricultural areas, the state intended to limit the power of condemnation."

"We are obviously pleased with the decision," said Boyd Wolff, state ag secretary. "This is the first test of the Farmland Preservation Act. The ruling was very decisive and will help us keep valuable land in agriculture. Now we will be able to operate in a reasonable and prudent manner," Wolff said. He is chairman of ALCAB.

The school district wants to condemn 24 acres of irrigatable potato ground with a farm pond that borders its main campus in New Tripoli. The land is owned by Raymond and Elma Snyder and has been officially placed in an agricultural security area by authorization of Act 43.

Under Act 43, better known as the farmland security act, prime farmland cannot be taken by eminent domain if it will have an adverse affect on agriculture in the area or if there is no reasonable alternative. When ALCAB heard the case, they ruled that the school district failed to meet the requirements to take the land on both counts.

In the test case, the school district argued that the law creating the ALCAB was unconstitutional because it stripped the authority to condemn land to build schools and meet the Constitution's requirement that it provide an adequate education for the district's children. But the court in a 3-0 ruling dismissed the school district's appeal and upheld the constitutionality of the farmland security act.

Stephen Pelcher, counsel for ALCAB, said it appeared that the Commonwealth Court panel had agreed with all the arguments made against the school district's appeal. And unless the court's decision is overturned by the state Supreme Court, a precedent for future ALCAB decisions has been established.

According to a published report, John Freund, lawyer for the school board, said the board will decide whether to seek an appeal before the Supreme Court or to continue with its sec-

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Vet Urges Caution With Pesticides

BY VAL VANTASSEL
Berks Co. Correspondent

BERNVILLE (Berks Co.) — The kids came to admire the fire trucks and eat ice cream while the

adults had a chance to pick up information on pesticide handling Monday night at the Tulpehocken Young Farmers meeting. Approximately 80 people attended the

event at Stumpland Farm hosted by President John Stump and his wife Rita.

The evening's main speaker was Dr. Lynn Sammons who

shared his experience with pesticide handling and mishandling from his unique perspective as both a veterinarian and the assistant fire chief of the Rehersburg

Fire Company. Sammons has been a member of the fire department for 13 years and has received 30 hours of hazardous materials

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American Veal Assn. Comes To Pennsylvania

NORTH WEBSTER, IN—The American Veal Association will be in Lancaster next week for their annual convention. The meeting scheduled for Tuesday and Wednesday at the Sheraton-Lancaster

will feature seminars on veal health, waste management, marketing and ventilation. The AVA will also announce the winners of the 1989 Veal Recipe Contest. Prizes are as follows: 1st, \$2,000;

2nd, \$750 and 3rd, \$500.

Speakers for the convention will include: Joyce Bupp, columnist for *Lancaster Farming*; Pat Batts, American Farm Bureau Federation; Pete Wambach, local radio

personality; Daniel Myers, PSU design engineer and Mitch Woodward, manure management specialists.

A delegate meeting and veterinarian seminar on Monday will

precede the annual meeting. Ray Dohl, Oconto, WI, is president. Barbara Huffman is president elect.

Farm Sanctuary, an animal right (Turn to Page A30)

Holstein Day Offers Fun and Fellowship

BY PAT PURCELL
MANHEIM (Lancaster) —

Learn about the new sire proofs, get a great meal, bring the family and spend the evening enjoying the fellowship of Lancaster's Holstein breeders at the annual field day, to be held June 22, 7 p.m., at the farm of Harold and Lowell Brubaker and families in Manheim.

Guest speaker, Dr. Ole Maland of Tri-State Breeders will have many of the answers to the questions on the minds of dairy farmers concerning the new sire proofs which will be coming out in July. Maland was part of the five-member committee which designed the new sire proofs. These new sire proofs will include the udder composites of the bull and are destined to impact on sire selection decisions.

In addition to being the guest speaker, Maland will serve as the official judge for the evening. The Brubakers will present several age groups of cows for judging. Anyone wishing to take part in the judging may. This year's winners will win a unique gift from Mercer County, the sight of the 1989 Pennsylvania Holstein Convention.

A hand-hammered aluminum

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Good food, fellowship and fun are on the agenda for the Lancaster County Holstein Field Day to be held Thursday, June 22, 7 p.m. at the Penn-Har-Va Farm in Manheim. Standing an invitation to members and non-members are

the Brubaker families. Pictured are: (from left) Harold and Virginia Brubaker, Lowell and Deb Brubaker and their children, Heather, Crystal and Blake.