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Public Opinion (Chambersburg, PA)

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Section: Local

Man was concerned for his life

VICKY TAYLOR Staff writer

A hand-written 2001 codicil to Don **Berkebile's** last will and testament, coupled with a note to a Public Opinion reporter two years later, indicates the elderly retired Smithsonian curator was concerned that he might die from something other than natural causes.

On Feb. 27, 2001, **Berkebile** added a one-page codicil to his will, writing that he was adding it "in the event that I should suffer an accident before a new will is prepared."

Two years later, on July 22, 2003, he attached a sticky note to a letter to the editor mailed to a Public Opinion reporter, saying he felt he might be in personal danger.

"Keep this in mind, should something happen to me, and request a thorough investigation," he wrote on the typewritten note attached to the letter.

At the time, **Berkebile** was involved in a bitter dispute with the state Department of Environmental Protection and the owner of the neighboring Grove farm over biosolids that were being used as fertilizer. He felt runoff from the biosolids was contaminating his drinking water, which came from a spring on his property.

The contamination happened, he claimed, only after the farmer who rented the fields began using biosolids, or treated human waste, as fertilizer.

Berkebile's letter to the newspaper outlined reasons he felt such a practice was damaging to the environment, nearby waterways and groundwater supplies even when it met DEP regulations.

Berkebile's July death during a fight with neighbor Bryan Kendall is still under investigation by Pennsylvania State Police and the Franklin County District Attorney's office.

Kendall is the son-in-law of Julia Grove, a former Mercersburg council member and owner of the Grove farm where the biosolids issue originated. Kendall lived nearby and used an access road through **Berkebile's** property to get from his residence to the main road.

He was driving down that access road early on July 28 when he stopped and got out of his truck to argue with **Berkebile**.

According to police and at least one relative, Kendall and **Berkebile** had been involved in ongoing disputes for some time, including property disputes. After the shooting, Kendall told Public Opinion that **Berkebile** accused him of crossing his property line on the day of the fight.

The fight took place after Kendall got out of his truck and the two men argued at the side of the access road, according to police reports.

Berkebile reportedly shot Kendall in the chest with birdshot. Kendall told Public Opinion he "played dead" at first, then jumped **Berkebile** and fought with him. There were apparently no witnesses to the fight.

Police found a gun and holster belonging to **Berkebile** on the ground a few feet from **Berkebile's** body. Coroner Jeff Conner said in his report that **Berkebile** died of head and neck injuries.

At the time of his death, **Berkebile** was recovering from a broken leg, according to one relative.

Although no charges have been filed in the case, the DA's office said the investigation is active. That office is working with Pennsylvania State Police on the case, according to Assistant DA Jeremiah Zook.

Kendall's attorney, Steve Kulla of Waynesboro, said his client was acting in self-defense.

Trooper Frank Hershey, who is heading the investigation for state police, said he is waiting for lab reports on a number of pieces of evidence being examined by the state police lab. He said it could be months yet before those reports are back and a decision can be made about potential charges in the case.

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