

Borough picks Aicher

Dallas Borough has a new council member. Dr. Craig Aicher was seated last Tuesday evening to finish out the unexpired term of Peter Arnaud, who moved out of the area this past month.

Aicher, the only candidate brought up by council members when nominations were opened, was chosen by unanimous vote and sworn in immediately by Mayor James Davies.

"I hope I can follow in the footsteps of Peter Arnaud and do as good a job as he's done on council," said Aicher in a brief statement upon taking his seat.

Arnaud was placed after most of the business requiring votes was attended to. He will finish out a four-year term which expires this year.

The borough will also be getting an occupational privilege tax of \$10 per worker within the borough per year.

Council voted unanimously to override the veto of Mayor Davies, who had said in his veto message that he did not like the idea of either the borough or the school district instituting such a tax but that the district needed the money more and should have the tax if desired.

Previously, the Dallas Area School District had announced that it would impose a \$10 occupational tax for its own revenues in any community that did not already have one.

Davies said that the new borough tax was simply designed "in retaliation" for the district's plans for a new tax and that the district could well end up having to raise millage as a substitute.

The mayor continued that residents presently face "enough taxes" already.

Council will employ the Don Wilkinson agency to collect the tax at a 3.5 percent fee.

Referred to the planning commission was a letter from Edward Widoski, representing the C.R. Yeagley Co., containing a request to rezone a large parcel of land entirely R-2 so that two townhouse-style apartment buildings may be constructed on the site.

The land, which was said to adjoin Newberry Estates, was claimed by the representative to be already partly zoned R-2.

He continued that the project would result in 12 one-bedroom and two-bedroom "garden" apartments.

Council announced receipt of a check in the amount of \$17,104.36 from the Department of Housing and Urban Development. The money will be used to cover paving expenses in the Stonehedge area.

Council announced for Jan. 29 at 7:30 p.m. a hearing for purposes of receiving public input relative to development of a plan that will enable the borough to qualify for a reported grant of \$250,000 from Luzerne County Community Development.

The grant will be made available only if the borough develops an acceptable plan. Council said that The Chester Engineers firm is in the process of doing a "downtown revitalization" study and will report along with borough engineer Leo Corbett.

Council's own meeting was adjourned until the 29th immediately after the hearing.

In other business, council released borough tax collector Thomas Reese from his 1978 duties with a collection total of \$1,536.91 and a collection rate of better than 98 percent.

Council heard that Commonwealth Telephone wished to withdraw its earlier request to have a parcel of Lake St. property rezoned from R-1 to B-2.

The sum of \$1,008.72 in state police fine returns was announced as received.

Council announced that it had notified both the Department of Environmental Resources and the borough building and zoning officers about sewage from a property said to be owned by a Wilkes-Barre firm reportedly flowing onto the property of James C. Thomas on Split Rail Lane.

Received from the Berkheimer Co. was bond for collection of 1979 earned

income taxes.

Council agreed to continue to participate in the assessment program of the Luzerne County Assessor's Office by receiving from County Data Processing continuous form tax bills at a cost of \$23 per 100 if postal rates remain constant.

An extension of six months for use of a trailer was given to the Baptist Church until its building program has been completed.

The Police Department announced that it would supply the manpower to paint its offices, freeing road crew members for other work.

Secretary Ralph Garris agreed to contact UGI about the complaint of a Highland Blvd. resident that a newly installed street light was shining through his windows and needed a shade of some kind.

By unanimous decision council voted to give the police department a second phone line that would be used for outgoing calls only, thus easing present phone tieups.

Police commissioner Willard Newberry was directed to consider Mayor Davies' request for the borough to assume payment for the "mayor's line" installed at Davies' expense this year in his business place to provide direct communication with him during the day in his capacity as mayor.

Council expressed indignation at a spate of weekend street sign destruction in the Center Hill Road area resulting in some \$700 worth of damage to various signs. Mayor Davies said that the night patrol has been directed to be especially vigilant.

Borough solicitor Atty. Charles Lemmond reported that school boards throughout the state have launched a court test of the controversial Act 170, which requires income source disclosure by public officials, and expressed the belief that the legislature will consider modifying it as it applies to part-time or low-compensation public servants.

Harveys Lake council to seek meeting with PG&W on use of lake as water supply

Harveys Lake borough council members unanimously agreed at their meeting last week to seek a meeting with officials of the Pennsylvania Gas and Water Company to discuss an earlier reported possibility that the company could use Harveys Lake water in the event of a shortage in company reservoirs.

The reference to the PG&W option was stimulated by press reports initially published several weeks ago noting the low level of water supply available to PG&W in their Huntsville Reservoir. At that time, the company

acknowledged that Harveys Lake was a possible source of supply.

Council's resolution asked for the letter to request a "first hand" report of the extent, projections and affect on property owners of any PG&W use of the lake. A proposed meeting would also include local legislators and other appropriate state officials.

Borough Solicitor Joseph Kasper said it was his understanding that the lake could be used as an emergency water supply under a state act passed back in the 1930's.

Borough officials also delayed final

action on insurance policies for the year 1979 after hearing Nationwide Agent Charles Gordon indicate that the borough may have been involved in an overpayment of premiums during 1978. Gordon indicated that he believed the insurance ultimately purchased by the borough during 1978 was considerably more costly than what the original bid proposal required.

Council agreed to a Monday meeting with Gordon and the successful 1978 bidder, Hartman

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Mining zone buffer main topic of Jackson Township hearing

by Joan Kingsbury

The proposed comprehensive plan was the subject of a public hearing held by the Jackson Township board of supervisors Monday. Purpose of this meeting was to hear public opinion and recommendations concerning this proposed plan and most of the discussion centered on the mining zone and American Asphalt Co., the township's only "mining" resident.

Atty. Blythe Evans, Jackson township solicitor, explained that a comprehensive plan consists of an analysis of population, circulation of township roads, social economics of Jackson Township, housing, existing land use plans and recommendations for land use, residential, commercial, public, semi-public, utilities, refuse disposal and other community facilities. Maps of the greater Back Mountain community are included in this plan.

Township planner Marlene Pawlowski further explained that the comprehensive plan is a policy statement given to indicate the general directions of decisions being made in the township and that if this plan is accepted by the board it will indicate their intentions to follow it. This plan would give the supervisors some idea of what changes to expect within the township within, roughly, the next ten years and some idea of how to accommodate these changes.

Following an explanation of the plan, the floor was opened for questions. John Wilkes questioned the choice of Death Valley Road as an area designated for recreation. He felt that it was not a good recreation area since a portion of the area is quite swampy.

Ms. Pawlowski explained that in the future, a site somewhere along Death Valley Road may be used for a recreation area. But if it is not available, there are several other areas in the township that may be considered. She stated that a large area has been designated for outdoor recreation, not all of which is swampy.

The "buffer zone" between the mining and residential districts brought about considerable discussion.

When questioned as to what is being done to restrict mining, Ms. Pawlowski explained that although mining areas are controlled by zoning, the comprehensive plan does deal with uses adjacent to mining land. The facts are emphasized that both mining and residential areas do exist, that each must recognize the fact, and that each must be controlled.

A zone between the mining and residential districts known as a "buffer zone" is to be established where neither the mining nor residential activity will be allowed.

Attorney Fred Alcaro, representing American Asphalt Paving Company, presented and read a letter to the board explaining his client's disagreement with portions of the comprehensive plan. Alcaro stated that problems caused by portions of this plan, if left unresolved, could cause serious problems for both American Asphalt and the board of supervisors.

Alcaro cited a 1978 Supreme Court decision acknowledging that although a quarry presents some degree of danger, and blasting does result in noise and dust, such mining activities can only be conducted in areas where mineral deposits exist.

Under the proposed comprehensive plan, 70 acres of land within the buffer zone belong to American Asphalt and contain valuable mineral deposits particularly good for mining crushed stone. However, no mining is allowed in this area. Alcaro further pointed out that although under this plan the buffer zone would be zoned agricultural, it is highly unsuitable for farming due to the soil content, severe vertical slope and large rock outcroppings.

In regards to mining Alcaro stated that the Supreme Court ruled "that activity, (mining), cannot be allocated to a particular district but of necessity must be allocated to a particular district where the mineral deposits lie. Thus mining activities may not be restricted to one limited area in the township but must be allowed where resources exist, regardless of the district."

Alcaro continued that his client has a right to exist and prosper free of unreasonable restrictions. He agreed that some type of buffer zone is needed but asked that he be allowed to meet with the board to reconsider the particular approach outlined in the comprehensive plan.

American Asphalt's letter brought protest from residents of Fieldcrest in attendance at the meeting. These residents claim that serious damage has been done to their homes as a result of blasting. One Fieldcrest resident, Dom Fatheryar, stated that although representatives of American Asphalt's insurance company investigated his damage, they were only willing to pay 20 percent of the claimed damages.

Another Fieldcrest resident Joseph Haley stated that although bills have been presented for payment of the \$1500 damages to his home, bills have not been paid. Bob Coleman, Fieldcrest, felt that any further buffer zone into the Fieldcrest development would confiscate his property and definitely would be non-beneficial to the homeowners there.

The homeowners brought up the fact that with the mining operation so close to their homes the market

values are affected. Several claim that they did not know about the mining operation when they purchased their homes.

Bernard Banks, American Asphalt, responded to the Fieldcrest residents. He informed those who stated they were unaware of mining activities that the present zoning map in existence since 1966 shows the present mining area.

Banks stated that many seismograph readings had been taken at various homes in Fieldcrest. According to Banks, 2.0 is the state reading when structural damages will begin as a result of blasting. Banks stated that two readings taken at the Haley home in one day were .08 and .15, well below the 2.0. A reading of heavy trucks used by American Asphalt passing the development on Hillside Road registered .07.

In regards to the insurance claims Banks feels that if these damages were a direct result of blasting, his insurance company would have battled the question in court with each individual's insurance company. He feels any payment made was made as a nuisance claim.

One resident pointed out that at these low readings, as nick-nack was knocked off a shelf in his home. He, for one, did not want to see what a blast measuring 2.0 would do.

John Phillip, Fieldcrest, whose land borders this buffer zone stated that in his opinion much damage can occur from a much lower reading. He also stated that these readings are measuring ground vibration, not concussion from air movement which, he feels, is causing most of the problems. Phillip feels that since township citizens are not satisfied they should have some say in setting up boundaries.

Phillip stated that although he wanted an independent adjuster to check the blasting Banks would not co-operate. Banks disagreed with this, saying he had not heard this request before and that a time could be set up for this.

Banks informed the audience that anyone who feels that American Asphalt is shooting more than years ago is mistaken. He stated that according to records from 1962 when he first became affiliated with American Asphalt, 8,000 to 10,000 lbs. of powder per delay period were being used while today it has been reduced to 370 lbs. per delay period, a gradual change over the years due to their concern for the community.

Banks explained that while formally a 140 foot face had been used, it has been brought down to 50 foot face, which would somewhat reduce shock. However, according to Banks, the pounds per delay period, which is greatly reduced since 1962 is what really causes the shock.

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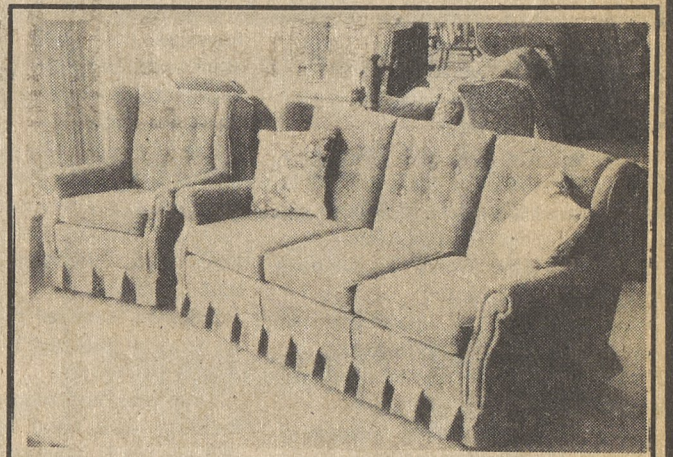
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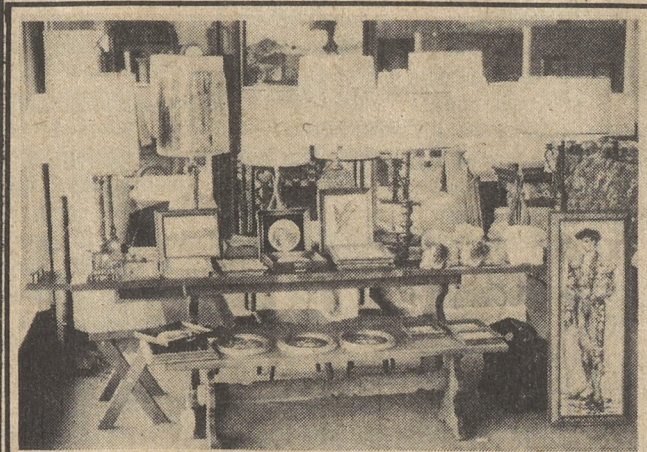
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