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# DALLAS POST

Vol. 91 No. 34 1981 Pennaprint Inc. All Rights Reserved USPS 147-720 25¢ Wednesday, Sept. 9, 1981

## "It's too bad someone had to die over an argument"

**BY GLEN HOFFMAN**  
The residents of Harveys Lake offered mixed comments regarding the shooting death Monday night, Aug. 31, of Timothy Kuhn, 22, of Shawanese, allegedly by John Kenneth Banis, 47, owner of The Dog House, a tavern where the shooting took place.

Residents near The Dog House, located in the Outlet section of the lake, attempted to put the murder into perspective: "I have lived on the lake for 15 years now, and although I can not remember a more terrible tragedy, I have no fear living near the shooting area because a thing like this could happen anywhere," said one neighbor.

Another nearby resident spoke with deep concern: "I was awoken in the middle of the night by the noise outside my window. I saw many police cars and ambulances. I thought it was a car accident. The next day when I heard about the shooting, I was shocked. When a

murder happens far away, you don't even think about it. But when it happens next door it makes my blood run cold. I almost cried."

A person who works near the shooting area found reason to reaffirm her beliefs: "Me and my husband don't go to barrooms, and now I am sure we never will go. I heard things like arguments and fist-fights happen, but I never thought a murder could happen around here."

At the Harveys Lake Post Office, a life-long resident of the lake spoke out strongly against the shooting: "That bar where the murder happened should have been closed long ago. The person who is accused of the crime caused much trouble around here."

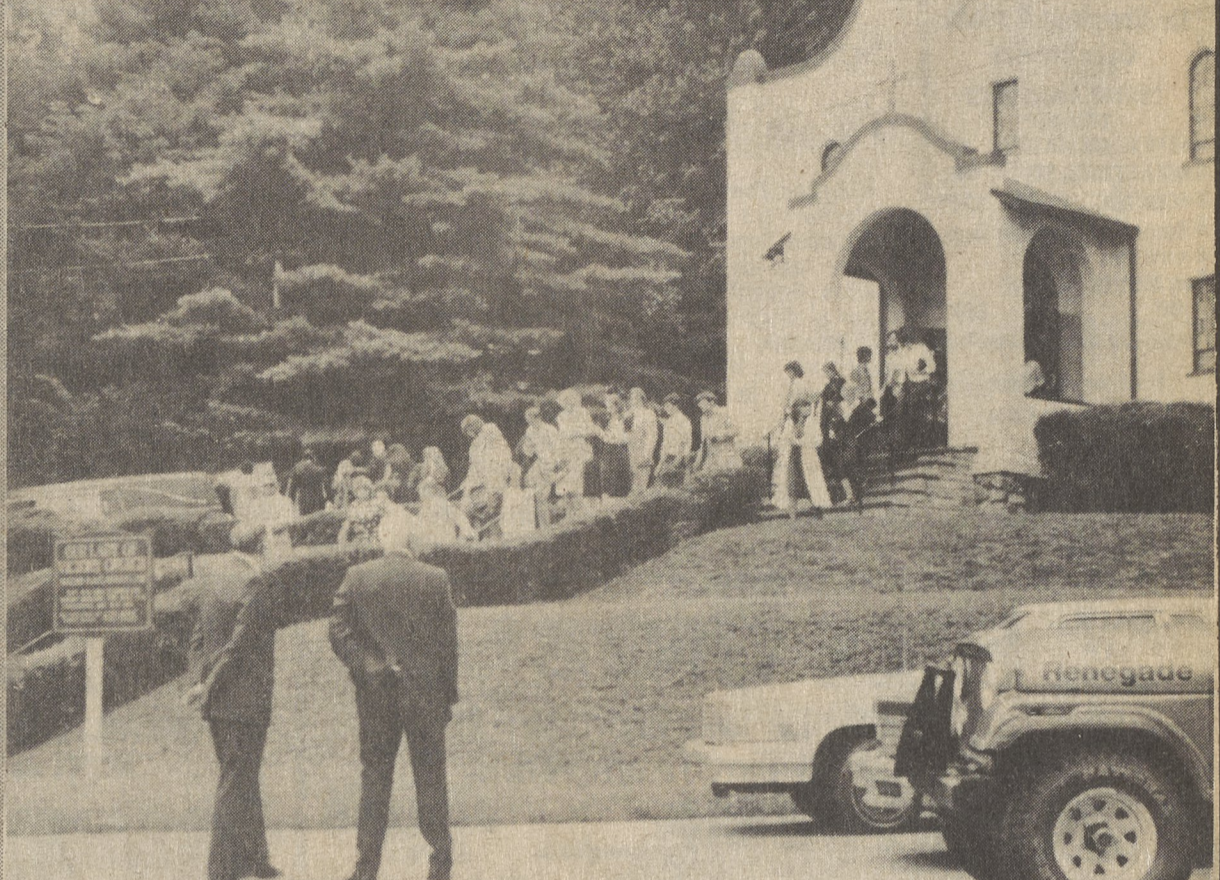
On the other hand, another person who was mailing a letter pointed out: "Kenneth (Banis) did a lot of good for the community. He once participated in a jubilee to raise money for cancer patients. I want to wait and see what the courts

decide."

Another busy person took the time to make a general comment regarding the image of Harveys Lake: "We have been put on the map by events such as the dirty book store scandal, the algae problem this summer, and now this murder. I hope people remember the good things of the lake. My children love this area; they love the recreation, the friendly people, and the beautiful country side."

A visiting family from Florida, Joseph and Marian Condo, said, "Me and my relative, Mike Tomshaw feel terrible that such a thing should happen in a nice little community like Harveys Lake. It gives the area a bad name but the area will survive and the good things about this place will rise above the bad things."

Another life-long resident shook her head and turned down her eyes concluding: "It is just too bad that someone lost his life over something so silly like an argument."



A MASS OF CHRISTIAN BURIAL took place Friday at old Timothy Kuhn, who was fatally shot following an Our Lady of Victory Church, Harveys Lake, for 22-year altercation at a local barroom.

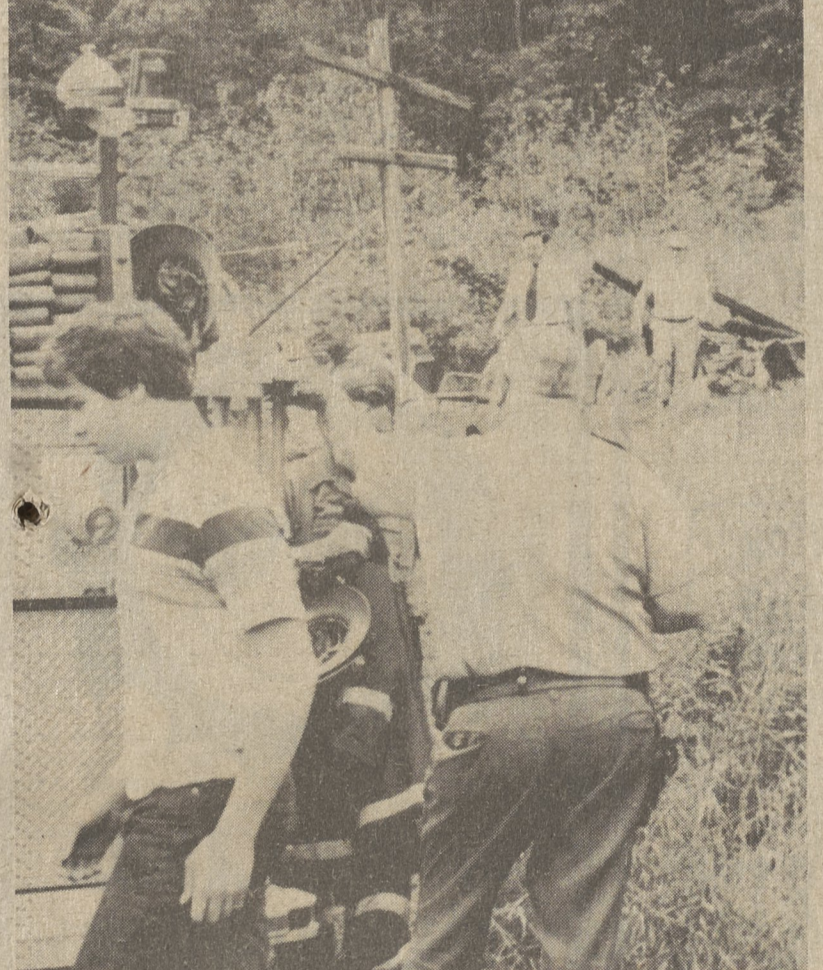
## Dallas man charged with arson

A Dallas Township resident has been charged with arson during the investigation into the suspicious burning of a shack on Lower Demunds Rd., Dallas Township.

Leslie Trudgen, RD6 Dallas, is being held by the joint investigation team comprised of the State Police and the Dallas Township Police

departments who made the arrest shortly after the blaze was doused by the Dallas Fire Department last Thursday.

Trudgen will face a hearing September 11, before Magistrate Earl Gregory of Shavertown on the charges of arson and criminal mischief.



A SHED ON LOWER DEMUNDS ROAD, Dallas Township was quickly reduced to a pile of rubble last Thursday. Bob Besecker, background with tie, listed the fire as of "undetermined origin" but police shortly thereafter arrested a Dallas resident on charges of arson.

## Nursing home plans near complete

Review of the plans for the building designs of a new nursing home which is to be constructed adjacent to the nearly completed Meadows Apartment complex on Lake St. and Center Hill Rd., are nearing completion.

"The U.S. Department of Health and Human Services (HHS) has been reviewing the building designs for the last six months," said Raymond Condo, Executive Director of Ecumenical Enterprises. "HHS is 95 percent finished with their review, and we are expecting approval within a few weeks."

After approval of the designs, construction bids will be solicited for the 120-bed skilled health facility for the elderly which is being built

by Ecumenical Enterprises Inc. of Wilkes-Barre, a non-profit organization.

"Farmers Home Administration will finance the construction with a \$3.5 million loan, and a local commercial lender will complete the balance of the necessary building funds," said Condo.

The building will include a community room to be used for religious purposes, birthday and anniversary parties, and any other festive occasion.

"It is going to be constructed in Dallas Township because there is a need for additional nursing home services here," said Condo. "This facility should fill that need for the present time."

**Inside**

Police Reports. P. 2  
People in the News. P. 2  
School Menus. . p. 7  
Local Sports Pp. 8, 9  
School is open. P. 11



## 'Politics' Change of venue granted

The case of Michelle Boice, Harveys Lake councilwoman, and of Richard Tattersall, her father, has been granted a change of venue because of its "political overtones."

Boice, who is facing a hearing on charges of criminal mischief and official oppression stemming from her alleged opening of an outgoing letter from borough council to the district attorney's office, said her father had requested the change.

Tattersall has been implicated in the case because he is alleged to have had possession of a tape recording that was missing from the borough building.

Both Tattersall and Councilwoman Boice have charged that the letter and tape in question referred specifically to her and her father and that the council was attempting to discredit them with the public.

Boice is the lone Democrat on council. Her father has a trash collection contract with the borough.

"My attorney and Magistrate Harvey decided that since the case has many political overtones, it would be best for all involved to take the case out of the jurisdiction of Magistrate Harvey and place the case in a less political setting, such as the office of Kingston Magistrate Mitchell," Tattersall told the Dallas Post.

Boice contends that since she is a member of Harveys Lake Borough Council she is entitled to know the contents of official envelopes. She has also charged that taping of citizens while at the borough building is illegal and an invasion of privacy.

A date for the hearing has not yet been set by Magistrate S. Keene Mitchell.

## Use of tape recorder creates (another) dispute

**BY GLEN HOFFMAN**  
The use of a tape recorder by a member of the Harveys Lake Council attending the meetings and hearings of Harveys Lake Zoning Board, has erupted into a jurisdictional dispute between the two groups.

Ben Orfaly, chairman of the Zoning Hearing Board disapproved of the use of a tape recorder at a recent hearing by attending councilman, Richard Myers.

"One and a half years ago the Zoning Board passed a resolution by a two to one margin forbidding the use of any tape recording devices at any of the board's meetings or hearings," said Orfaly.

Orfaly added, "I and other members of the board informed Myers about the resolution about one year ago, so he must have been aware that recorders were not to be used."

Myers is reported to have said that if the Zoning Board does not want a recorder used, the board

must have something to hide.

"Our meetings and hearings are always open to the public," said Orfaly. "My main objection to recorders is that a tape could be changed or erased and statements could then be taken out of context."

"Our meetings are always held at the same time, 8 p.m. on the last Wednesday of every month," said Orfaly. "So then the public can conveniently attend our Zoning Board sessions. We do not hold closed sessions so as to circumvent the Sunshine Law."

Attorney Gifford Cappellini, a councilman whose motion last week to authorize council members to attend and record any board session for use by council, said that this issue involves the responsibility of the council to the public.

"The council is an elected body, the Zoning Board is appointed, so the council has a responsibility to the public to insure that the business of the board is conducted properly," said Cappellini.

Cappellini added, "a tape

recording is the best way to record the entire board hearing or meeting. The secretary-treasurer seals the tape in an envelope and the council then has access to every detail of the session of the board."

Orfaly said, "Myers and the council are just trying to harass the board by keeping a tape recorder hidden at a recent board session, and then at the end of the session Myers made it known that he recorded the session, which was in defiance of the board's resolution banning the use of tape recorders."

Myers argued that he has been taping the board's meetings for years. "The tape recorder was not hidden; it was on a chair in plain sight," he said.

"The Sewer Authority, the Council, and the Planning Commission do not ban the use of tape recorders, why should the Zoning Board? asked Myers. "Now that I am zoning commissioner it is my responsibility to watch over the matters concerning zoning."

## 'Voter apathy' is his big problem

If you ask Thomas Reese, Dallas Borough tax collector, what are the duties and responsibilities of his new job as chairman of the Fifth District Republican organization, he will itemize a laundry-list. But ask him what his new job is really like:

"I, and the committee persons, try to keep everyone in our district happy," commented Reese with his characteristic smile.

As a public servant for the last 16 years, Reese forms a relaxed relationship with the people who enter his orbit. But with his robust manner, Reese hopes he can successfully take the place of former chairman Emerson Harris, who recently died.

"I will get involved with the people of the GOP, and coordinate the efforts of the 18 committee persons of my district to get the vote out, register new voters, help raise funds, organize rallies, recruit volunteers to man voting booths, hang posters, and do anything else that comes up."

Luzerne County has six districts represented by one chairperson from each district, comprising the Executive Committee. Reese's district covers West Pittston, Wyoming Borough, Forty Fort, Exeter Township, Franklin Township, and the Dallas and Kingston Townships and Boroughs.

"As a chairman representing the 5th District it is my duty to help formulate county wide policy and select county candidates that will improve this area," explained Reese who was appointed chairman by the executive committee several months ago. "Basically, I am the go-between of my district and the

Luzerne County Executive Committee, carrying feed back to the county and the people of my district," added Reese.

Reese will be up for election next May, during the primary. "I have not decided whether I will run," said Reese. "I will wait and see how this term goes."

"I believe that one of today's biggest problems is voter apathy," said Reese. "One of my main objectives will be to get more people to vote more often."



TOM REESE

## Year old hearings still on

The American Asphalt Company's challenge of the Jackson Twp. zoning ordinance may not be settled until late this year.

David Roskos, chairman of the zoning hearing board, said that the next round of hearings will not take place until late September and that it may be necessary to take more than the normal 45 days for the board to make its decision.

The American Asphalt Co., which conducts mining and excavating operations in the township, is challenging the legality of the ordinance, which places much of the territory it wants to mine off limits for that purpose.

Roskos said the next hearings will be held Sept. 21 at 7 p.m. and Sept. 22 at 9 a.m. at the township fire hall.

The hearings have been going on since early this year. The zoning hearing board is listening to arguments by attorneys from the township and the asphalt company.

Roskos said that, if all the attorneys concerned agree, the 45-day rule may be waived, considering the complexity of the issue.

The zoning ordinance was drawn up in 1979. One of its effects was removal of a large section of the township from mining to residential areas. American Asphalt contends that the ordinance is improper and that mining should be allowed in the disputed territories.