



# Merry Christmas

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## Tibus's lawyer moves to suppress confession

By SARA J. LUNDBERG  
Managing Editor

The public defender for confessed arsonist John Tibus has filed a motion in Luzerne County Court asking that Tibus' confession and other incriminating statements not be admitted into evidence in Tibus' upcoming trial.

Jonathan Blum filed the motion on December 7, asking the court to suppress any incriminating statements given by Tibus the day of his arrest on the basis that the defendant was not aware of his constitutional rights.

"There was testimony at the preliminary hearing that John Tibus was read his rights and waived them."

Correale Stevens  
Luzerne County District Attorney

The question of whether or not Tibus's confessions to torching his neighbor's barn in Kingston Township were knowingly and willingly given may determine the strength of the Commonwealth's case when the trial takes place next year.

When Tibus was arrested August 22, he admitted setting the August 14 fire that caused \$100,000 in damages to his neighbor Robert Steiner's barn on Mt. Olivet Road, as well as to setting several other fires in Kingston Township, Dallas, Franklin Township, and other Luzerne County areas.

He has currently been charged in connection only with the August 14 fire, as well as a previous unsuccessful arson attempt at the same site in June of 1987.

According to the motion, the public defender moved to suppress any incriminating statements given by Tibus, whether written or oral,

for the following reasons: The defendant was not advised of his Miranda rights; any statements made by the defendant were made without the assistance of counsel, and the defendant did not waive right to counsel; any statement given by the defendant violated his right to protection from self-incrimination, and he did not waive such right; or, if the defendant was advised of his Miranda rights, he was not competent to understand and comprehend the nature of the warnings, and the defendant was the subject of an arson investigation prior to his pickup by police and was questioned previous to his confession.

At the time of his arrest August 22, 1988 by Trooper Gushka and Trooper Balchune of the Pennsylvania State Police at Wyoming and Sgt. James Balavage of the Kingston Township Police, an arrest report was filed with the District Magistrate's office. The report says that at the time of his arrest Tibus was advised of his constitutional warnings and rights and that same were waived. Tibus admitted to the crime and motivation.

When asked to comment on the public defender's motion to suppress Tibus' confessions, District Attorney Correale Stevens said that the prosecution will be opposing that motion when the case goes to trial.

"There was testimony at the preliminary hearing that John Tibus was read his rights and waived them," said Stevens.

Stevens declined to comment on whether or not the motion that Tibus did not understand his constitutional rights at the time of his arrest could influence the outcome of the trial.

Tibus, who pleaded not guilty to charges of arson, endangering persons and property and criminal mischief, could face a maximum of 10 years in prison if convicted. He is free on \$50,000 bail.



### Away in a manger

John Pitcavage of Shavertown arranges the Christmas creche at St. Theresa's Church on Pioneer Avenue in Shavertown. (Photo by Charlotte Bartizek)

## Midway Manor water company won't be fined for unreported outage

By SARA J. LUNDBERG  
Managing Editor

The state Department of Environmental Resources (DER) does not currently plan to take any action against a National Utilities, the water company serving the Midway Manor development in Shavertown, for violating state regulations by failing to notify the agency regarding a service interruption several weeks ago. A boil water advisory was issued December 14th for residents of Midway Manor, which would have been in effect immediately after the disruption if the company followed proper notification procedures.

The boil water advisory was lifted December 16, after samples taken by DER determined the Midway Manor water to be satisfactory. The advisory was broadcast over WARM radio and local television stations.

"We reminded National Utilities that in the event of a service interruption DER must be contacted so that sampling of the water for contamination and a boil advisory can take place," said Mark Carmon, a spokesman for DER.

Carmon said a penalty will not be assessed unless there are future problems with National Utilities not following state regulations. In the event of a boil water advisory notification of the public within one day is required, and an announcement

"A company like National Utilities should know better."

Mark Carmon  
DER spokesman

is also released through the media when the advisory is lifted.

Even though a boil water advisory was put into effect last week, several Midway Manor customers interviewed by The Post said they still did not feel informed as to whether or not it was safe to drink their water.

A customer who asked not to be identified said she had heard of a boil water advisory, but wasn't clear if it applied to the Midway Manor development in Shavertown.

"I still not sure if I am supposed to boil my water or if it is safe to drink yet. Why can't customers be contacted directly in a case like this?" said the customer.

Another Midway Manor resident, Jack Nutche of Butternut Road, said, "There are frequent interruptions in service; it is crazy what we have to go through here. Even when we have called the company in the past they tell us that everything is okay, and I have never heard that it was necessary to boil my water."

Kingston Township manager Jeffrey Box, who is a resident of Mid-

way Manor, said he didn't feel that a boil water advisory several weeks after a service interruption was particularly helpful to water customers.

"It doesn't do any good that far after the fact," said Box.

Box said he plans to write a letter to all water utilities serving the Kingston Township area to ask them to inform the township when boil water advisories are in effect.

DER Spokesperson Mark Carmon said the penalties issued to a water company for failure to follow regulations would vary according to the situation. Carmon said state regulations say that a water company must notify DER in the event of a service interruption, and that the DER in turn instructs the company on how best to issue a boil water advisory. DER would issue an advisory in the event a water utility is unable or unwilling to do so.

"A company like National Utilities should know better," said Carmon.

## Kingston Twp. budget shows 22% increase

By SARA J. LUNDBERG  
Managing Editor

Kingston Township residents will be glad to hear that an increase in estimated revenue for the township has made a tax increase unnecessary. The second and final reading of the 1989 budget passed unanimously at the supervisor's monthly meeting last Wednesday keeping property taxes at 5 mills, per capita tax at \$5.00 per person, earned income tax at 1.5% and real estate transfer tax 1/2 of 1%. Only a handful of residents attended the meeting.

With a mill being equal to \$1 of tax on every \$1,000 of assessed property value, a resident whose home is assessed at \$50,000 will be liable for \$50 in annual property tax.

Estimated revenue for 1989 is up by over 20% from 1988, from \$706,673 to \$861,655, due mostly to the residential growth in the area which has increased the tax base of township. The total estimated expenditures for next year match the estimated revenue for 1989 at \$861,655.

Kingston Township Manager Jeffrey Box said that estimated expenditures were up mainly because of three big projects: improvements planned for Center Street Park, and major construction work on Center and Franklin Streets.

An underground storm drainage system and road resurfacing will be undertaken on Center and Franklin Streets at a cost of approximately \$100,000 to the township. The budget also provides for the township's portion of the funding for the improvements to Center Street Park. The township has \$30,000 slotted for the park project and a matching grant from the Department of Community Affairs.

The 1989 budget includes plans for capital improvement projects, equipment purchases, and a rebuilding of the capital improvement fund. Additional paving projects include Circle Drive and Howell Road. The funding for these projects will come from a combination of General Fund and State Liquid Fuels Funds.

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## Lake-Lehman board hires new teacher over protests

By SARA J. LUNDBERG  
Managing Editor

The Lake-Lehman School Board voted to hire Thomas Yoniski as a social studies teacher at its meeting December 13 by a 6-2 margin, despite protests from some school board directors and members of the public that a more experienced candidate should have been picked for the job.

"Inequality in hiring has existed in the past. I don't think the candidate is the most qualified, and there was another applicant who was better suited for the position," said school director Bing O. Wolfe.

Lehman Township resident Pam Haas questioned why Yoniski was hired rather than another applicant who had five years substitute teaching experience in the district. Superintendent Charles Borchetta said Yoniski was hired after several interviews with district administrators and after he gave a recommendation to the board.

"It is the administration's feeling that this person is the most qualified for the position of social studies teacher," said Borchetta.

Yoniski was hired at a salary of \$17,990 for the 1988-89 school year.

Board action was also taken to hire Karen L. Pilger as a Financial/Activities Secretary at the high school for the 1988-89 school year; salary established at \$5.25 per hour. The position is effective for 12 months starting the beginning of 1989. The motion to hire Pilger passed by a 6-1 margin.

In other business the board unanimously approved a motion to approve the request of Robert Roesse, a high school English teacher, to extend his sabbatical leave of absence for health reasons through the second semester of the 1988-89 school year.

A motion was carried to authorize the administration to make

application for a Microcomputer Hardware and Courseware grant for \$30,000. The application will be forward to the PHEAA (Pennsylvania Higher Education Assistance Agency) for review.

Lake-Lehman Band Director John Millauskas was granted a monetary award of \$1,000 by the board for his outstanding accomplishments as Marching Band Director during the

See TEACHER, pg 3



### The best of the bright and beautiful

The winner of the Christmas Home Decorating Contest, sponsored by the Kingston Township Recreation Committee, was this one on 375 Mt. Olivet Road. Kathleen Pacewicz, the owner, will receive a \$50.00 savings bond. (Photo by Charlotte Bartizek)

## DER reps explain boil advisory procedures

By CHARLOT M. DENMON  
Staff Writer

Paul Franklin, DER regional manager, and Ron Ptashinski, DER sanitarian supervisor, explained the department's role and presented a film to the Back Mountain Water Commission members and water consumers at Thursday night's meeting on the Clean Water Act.

It was explained by the DER representatives that under the act, if a water company cannot provide service to consumers, within 24 hours the company must contact the Department of Environmental Resource (DER). The company must also issue a boil advisory, though DER will do so if the company cannot.

Franklin also stressed to private well owners the importance of having private wells tested every six months for bacterial contamination. This test costs approximately \$50 and is an important factor in a family's health, he said.

Franklin also said private wells should be tested occasionally for organic contamination, but did not specify how often. He explained this test was more expensive, approximately \$500. He also emphasized that private wells can become contaminated as well as public water company wells.

Ellie Rodda reported to the commission on the Back Mountain Citizens Council meeting held December 5. Rodda is the liaison between

the two organizations. She also said she had prepared a news release on the survey of wells planned by the water commission and was hopeful that local media would help to distribute it.

The members approved member Joseph Salla's recommendation that the commission write a letter to the Back Mountain Communication Center requesting their approval for use of the center by the water commission. It is hoped that the Comm Center could take calls from residents experiencing water problems, and refer them to the commission.

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