

## Police report

### DALLAS BOROUGH

#### Fender bender on 309

Chief of Police John Fowler investigated an accident January 3 on Route 309 in front of Dallas Exxon Station.

Mrs. Ruth Post, W. Center Hill Road, Dallas, was driving north on 309 when she attempted to turn left into the Exxon Station. She turned and struck another vehicle in the right front with the left front of her car.

#### Rear ender at 309-415

Margaret Berrettini, 32 Browncrest Drive, West Wyoming, was driving north on Route 309 when she stopped for the red light at the Y of 309 and 415. When the light changed to green Berrettini's vehicle struck the back of a car driven by Jean M. Orkwis, RD 4, Dallas.

Officer James J. Martin investigated the accident. He reported that Mrs. Berrettini received injuries of unknown severity but was not admitted to the hospital.

#### Kielbasa theft at IGA

Dallas bus driver David Morrissey, Freeman's Trailer Court, RD 1, Dallas, was charged with the theft of two rings of kielbasa, Dec. 14, from the IGA Market at Dallas Shopping Center.

Assistant store manager Richard Kern said he saw Morrissey trying to remove the kielbasa from the store and called the police. Charges were made against Morrissey for the theft which was his second offense. A hearing is scheduled before District Justice Earl Gregory, January 9 at 10 a.m.

### KINGSTON TOWNSHIP

#### Both claim green light

Tracy Coulter, 196 Meadowcrest Drive, Trucksville, said she was driving north on Route 309 January 1, 1989, and came to a green light at the intersection of 309 and East Center Street, Shavertown, where a vehicle driven by Donna Eicke, Gardenview Terrace, East Windsor, N.J., cut in front of her and an accident occurred. Eicke claimed she also had a green light and was attempting to make a left turn. Investigation of witnesses by Officer Robert Weiss proved that Eicke did not have the green arrow to turn left. Both drivers were taken to the hospital for treatment.

#### Avoids cat, hits tree

Melvin R. Derhammer, Wyoming, driving a 1975 Dodge Dart, was traveling east on Atherholt Road, December 25, when he said that a cat ran in front of his vehicle. Derhammer said he tried to avoid hitting the cat and lost control of his car, hitting a large tree off the roadway.

Theresa Derhammer, passenger in his car, received major injuries and was taken to the hospital for treatment. Derhammer's car received severe damage.

#### Car hits guard rail on 309

When officer Robert Parrish arrived at the scene of an accident on Route 309 Dec. 29, he found Christopher DeLeur, Rood Avenue, Harveys Lake, being treated by an unknown person, and the 1986 Volkswagen Rabbit driven by DeLeur on the berm along south Route 309.

Parrish investigated the scene of the accident and found evidence of the car hitting the guard rail. It appeared DeLeur brought the car under control after the impact.

### DALLAS TOWNSHIP

#### Burglary at home

Dallas Township Officer John Appel investigated a burglary, December 24, at the home of Marie Sandbury, 44 Circle Drive, Dallas. Mrs. Sandbury reported a list of items missing including silver, Hummel figures and other valuable items valued at approximately \$4500.

#### Mail reported stolen

Officer John Appel was called to the home of Jane Torr, 24 Highland Drive, Dallas, December 28, where she reported that mail had been taken from her mail box. Investigation is continuing in both of the above.



### Smoking.....No smoking

Susie Dobish waits with her son, Greg, for their lunch in the no-smoking area at Picketts Charge, while outside the no smoking area, smokers are served. (C.M. Denmon Photo)

## Smoking

(continued from page 1)

nate as 'no-smoking'. She said the restaurant has used the area in this manner in the past and will now convert it into a no-smoking dining room.

Franklin's Family Restaurant, Dallas, has had a non smoking area for more than a year. The front dining room to the left is always non-smoking and if necessary to accommodate more non-smokers, the back dining room can be used for non-smoking.

Restaurants with less than 75 seats, bar areas, private social functions, factories and warehouses not frequented by the public, lobbies and hallways, hotel and motel rooms and retail stores whose primary business is

the sale of tobacco or tobacco-related products are the only places exempt.

Restaurants with fewer than 75 seats have the option of implementing a smoking policy. If a small restaurant such as these does not have a non-smoking area or a smoking policy, they must post a notice to this effect at every entrance.

The ordinance also prohibits tobacco use in school buildings, school buses and on school property. The board of school directors may designate smoking areas for employees and establish policies to prohibit tobacco use.

Smoking is also prohibited at all meetings open to the public pur-

suant to the Sunshine Act and in all public places, state or government owned and in all indoor, or enclosed places not owned or operated by a state or government agency which is used by the general public including a workplace, educational facility, health facility, auditorium, area, theater, museum, restaurant, concert hall or any other facility during the period of its use for a performance or exhibit of the arts.

Most business places questioned were not yet familiar with the new legislation and were not certain what their policy might be, but were sure they would take necessary steps to comply prior to the effective date of the legislation.

## Hess

(continued from page 1)

create the dangerous situation, according to the attorney.

Gas station manager Jackie Shaver agrees that that intersection is "a dangerous corner anyway you look at it," but does not agree that people exiting Dorchester Drive have the right of way.

"There is a stop sign at the end of the drive, which means that drivers should stay halted until

they know it is safe to proceed," said Shaver, who added that there is not a stop sign positioned at the exit of the gas station.

Shaver said she has no immediate plans to install a yield sign on the station property, but would not object to one being placed in the vicinity.

Cappellini sent a copy of his letter to Amerada Hess Corpora-

tion to the Dallas Police Department, and the Pennsylvania Department of Transportation in Dunmore, as well as to The Dallas Post. Attempts to reach Amerada Hess Corporation officials to discuss the charge were unsuccessful.

Attorney Cappellini said he has yet to hear word on what action, if any, will be taken.

## Jackson Twp. budget has no tax hike

By SARA J. LUNDBERG  
Managing Editor

The Jackson Township Supervisors passed their 1989 budget last Wednesday, as not a single resident of the township showed up at the special meeting to find out how their tax money will be spent this year.

No tax increase is planned for Jackson Township in 1989; the real estate tax will hold firm at 3.5 mills and the personal income tax stays at 1/2 of 1%.

Total expenditures add up to \$426,724.04, broken down by general fund expenditures at \$364,828 and state fund appropriations (consisting mainly of liquid fuel tax funds) at \$61,896.

Estimated fund receipts available for appropriation match township expenditures at \$364,828. The real estate tax is expected to contribute \$20,990 to municipal coffers, and earned income tax will bring in \$172,719. Other sources of revenue include a per

capita tax, \$6,750 and real estate transfer taxes, \$20,075. A \$65,088 balance from 1988 completes Jackson Township's total for 1989 expenses.

Major general fund expenditures include: capital purchases,

\$28,000; road maintenance, \$29,000; insurance, \$30,000 and police protection at \$80,509.

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## DUI driver bound over on homicide charges

By CHARLOT M. DENMON  
Staff Writer

Richard T. Howard, charged with homicide by vehicle while driving, of homicide by vehicle, driving under the influence and of involuntary manslaughter, was bound over to Luzerne County Court after a preliminary hearing before District Justice Earl Gregory.

Howard was charged in connection with an accident on the night of October 18 that killed James McCaffrey of Lakeside Drive, Harveys Lake. Howard had moved to the Back Mountain from Warminster only several weeks before the accident.

Howard was bound over to court by Gregory on the charge of homicide while driving under the influence, charges of homicide by vehicle and driving under the influence. The charge of involuntary manslaughter was dismissed.

Howard was also injured in the accident and was admitted to Wilkes-Barre General Hospital as a patient, until November 5 when he left the hospital without checking out and disappeared.

He was taken into custody November 18 by officials in Texas and waived an extradition hearing. He surrendered to Dallas Township Police December 16 and was arraigned before District Justice Gregory. He was freed on \$20,000 bail which was continued.

Howard, if convicted, faces a mandatory minimum sentence of three years in prison and a maximum sentence of 14 years. He also faces several summary traffic violations.

The accident involving Howard occurred on Route 415 in the area of Daring's Market at approximately 10:30 p.m. McCaffrey was driving toward Harveys Lake in a 1982 Honda when it is alleged by police that Howard, driving a 1979

Pontiac Lemans crossed lanes of traffic and struck McCaffrey's vehicle head on.

McCaffrey was taken to Nesbitt Memorial Hospital where he was pronounced dead.

Results of tests accepted by Gregory as evidence showed Howard had, at the time of the accident, a blood-alcohol content of .30, three times the legal limit to drive in the Commonwealth of Pennsylvania.

Renee Lamoreaux, a nursing assistant, testified that at the time the accident occurred, she was sitting in a car in Daring's Market parking lot. She said she saw a flash or spark after the cars collided.

Lamoreaux said Mary Scovish, a companion, was sitting in the driver's seat and ran to the scene of the accident and Lamoreaux ran to a nearby veterans post for help.

Assistant chief deputy coroner Harry Hyman testified that when he arrived at Nesbitt Memorial Hospital, McCaffrey had been pronounced dead by hospital personnel. County coroner Dr. George E. Hudock, Jr., later ruled the cause of death due to multiple traumatic injuries and manner of death homicide.

Atty. John P. Moses, representing Howard, objected to having the death certificate admitted as evidence due to Hudock not being at the hearing. Moses said it could not be determined whether or not Hudock could be at the trial. Gregory accepted the certificate as hearsay evidence.

Atty. Moses also objected to two tests for blood-alcohol content being submitted because no police officer was present during the first test and the technician was not at the hearing. The second test was performed four days later on a vial of Howard's blood that had been set aside by a technician. Gregory accepted both tests as hearsay evidence.



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