

## Beach

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ance. After the meeting, Paglianite said that he wanted to upgrade the beach so that it could be used for swimming. He said that he was planning a \$100,000 project to bring the area up to approval by the state Department of Environmental Resources.

Immediately after the meeting, some of the members of the HLBA charged that the approval of the resolution was improper.

Some of the arguments by these members are listed in the legal action, according to attorney Burke. "There are a couple of foundations for the legal argument," said Burke. "First the resolution

as voted upon was beyond the (Beach Association's) authority and secondly the sale price was far below market value."

The suit says that due notice of the meeting to discuss the sale of the beach was not provided to the HLBA membership. It also states that the Articles of Incorporation for the HLBA do not provide for the "...sale or conveyance of the 'Sunset Beach' property, but rather the acquisition and maintenance of the property."

Burke noted that the non-profit corporation act has certain limitations which must be dealt with before a conveyance takes place and he feels that the limitations

were not handled correctly by the association.

The suit also notes that the sale of the beach was authorized "...without due regard for the fair market value of the property." Burke says that this deprives the plaintiffs of their market interests.

"The price that was quoted was the price when the land was acquired in 1969," said Burke. He said that interest and other costs should be considered in the figures.

The resolution passed by the HLBA makes considerations for the proceeds, legal fees and other costs associated with the conveyance. According to the resolution,

members with 21 years of continuous membership or since the inception will have one full share; members for 15-20 years will have three-quarters of a share; members for 10-14 years will have one-half share; members for five to nine years will have one-quarter share and members for less than five years will have no share at all.

The suit says that the sale of the property will also "...adversely affect the fair market value of the nearby properties." Despite these claims Burke said that money is not the key issue in the suit. "This suit is about keeping the beach; it is not about money," he said.

Besides stopping the sale of the beach, the suit asks the court to declare the resolution null and void, to restore the status quo as it existed prior to the meeting and to order the defendant to pay the plaintiff's costs for the legal action. Officials of the HLBA could not be reached for comment on the situation.

The suit lists the plaintiffs in two categories. The first group of plaintiffs are "special property members" in accordance to the by-laws of the HLBA. They include:

Gloria Dow of Shawanese; James V. Drury of Shawanese; Becky Casterline of Shawanese;

Thomas Mulcavage of Shawanese; John Reidmiller of Kintnersville; and Joseph Hogan of Plymouth.

The second group of plaintiffs are identified as general members of the association in accordance to the organization's by-laws. They are:

Nicholas Diveronica of Shawanese; Vincent Simonds of Plymouth; Myrtle Brown of Wilkes-Barre; Catherine Kearney of W. Nanticoke; Mrs. Joseph Casey of Harveys Lake; Mrs. Betty Moran of Dallas, Rev. and Mrs. Fred B. Schultz of Shawanese; and Charles and Lillian Sacco of Dallas.

## Spill

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gasoline to keep it from running off the highway into nearby Toby's Creek.

Last week, officials say that quick work by the crews helped make the cleanup efforts easier and helped keep the environment from becoming contaminated.

B.E.S. Environmental Specialists in Larksville was in charge of cleanup and a spokesman for the group said that the only major cleanup after the accident was in nearby drainage systems.

"Since some of the gas from the spill was in the nearby storm line it was pretty well controlled," said B.E.S. spokesman Joseph Healy.

"There was no spill in the surrounding environment and what went into the stream was collected by crews at the scene of the accident."

Some gas had leaked into the drainage system and flowed into Toby's creek. However, environmental crews at the accident scene used large absorbent pads to soak up the gasoline from the creek.

Marc Carmon of the state Department of Environmental Resources said that the cleanup efforts at the time of the accident saved a lot of work afterward.

"We were lucky enough to have the crews trap the gasoline before it got too far along, especially in the creek," said Carmen. DER had monitored gasoline levels in the creek for about one week and pulled their equipment from the site last Wednesday.

The only major cleanup effort following the accident came last Tuesday when area fire companies flushed out the drainage system.

Shavertown Fire Company Chief Gary Biesel said that officials believed there was residual gas left in some of the drainage pipes so the companies were called to flush out the lines.

No environmental problems are expected following the cleanup efforts.



### Open house

Coldwell Bankers Howell & Jones Realtors opened a new office in Dallas over the weekend. The realtors relocated to their new office at the intersection of Route 415 and Lake View Manor. On Saturday a ribbon cutting ceremony and an open house was held. Shown above are manager and associate broker George Lacey III and Carole Poggi, Realtor Associate. (Post Photo/Rich Johnson)

## Calls coming in on Lake sewer hookups

By RICH JOHNSON  
Staff Writer

Calls have been coming in steadily to the Harveys Lake man who is offering a reward for information about residents who are not connected to the borough's sewer line.

Less than a week after offering the reward, William Mann says that his phone has been busy, though many of the calls are proving to be dead ends.

"I've been getting a large number of calls," said Mann, who is offering a \$100 reward to anyone who will give valid information about residents who are in violation of the borough's sewer ordinance.

Mann has been working with the Harveys Lake Municipal Authority in making sure all residents are in compliance with a borough ordinance that requires homes to be connected to the sewer system.

Mann said that while most of the calls about the sewer system have not been productive, there have been a few that he is looking into.

"A good share of the people who

called gave me names of people who recently connected to the line or they have given me names of residents who don't have to be connected because the sewer line does not run by their homes," said Mann. "But I have got some names that I am looking into."

Mann said that he is taking any names that may be in violation of the sewer ordinance to the borough's municipal authority. "They have been cooperative so far and I am hoping that we can get anyone not connected to hook up."

Mann offered the reward after a display of American flags and yellow ribbons was vandalized outside his home. Mann felt that the vandalism was in retaliation of his efforts to have residents hooked to the sewer system.

low ribbons was vandalized outside his home. Mann felt that the vandalism was in retaliation of his efforts to have residents hooked to the sewer system.

He is also offering a \$1,000 reward for information leading to the arrest and conviction of the vandals who destroyed his property.

Since offering the rewards Mann said that his life has been busy. "I have spent a lot of time on the phone and out checking places to see if they are connected to the sewer line," said Mann.

## Court to rule on DA's appeal in Smith case

By RICH JOHNSON  
Staff Writer

The state Supreme Court is expected to rule this week whether to reinstate the manslaughter conviction of Lake Silkworth teenager Chris Smith.

The request for reinstatement was filed by Luzerne County District Attorney Corrae Steven's office on September 10. Stevens said then that the Supreme Court would have to make a decision on the request in 60 days, which ends this week.

The request for the reinstatement of the sentence came after a successful appeal by Smith on his conviction of manslaughter in connection with the 1989 shooting death of 18-year-old Richard Hillman.

Smith was convicted earlier this year by visiting Luzerne

County Judge Donald O'Malley, but an appeal to the state Superior Court was allowed when the court ruled in August that the original verdict showed that Smith had acted in self-defense when he shot Hillman outside the Smith house during graduation weekend last year.

That decision by the Superior Court reversed the original conviction and released the Smith from a Philadelphia reform school.

Calls to Stevens about the request for an appeal in the case went unreturned and assistant district attorney Jim Phillips, who was the prosecutor in the case, refused to comment on the situation because he is still under a gag order imposed by O'Malley.

A gag order prohibits anyone dealing with the case from publicly discussing its details.

### Lake-Lehman meeting changes

The Lake-Lehman Board of School Directors will hold a Committee-of-the-Whole Meeting, on Thursday, Nov. 8, at 7:30 p.m. in the Board Room of the Lehman-Jackson Elementary School. The Regular Monthly Meeting of the Board of School Directors will be held on Tuesday, Nov. 20, at 8:00 p.m., in the Gymnasium of the Lake-Lehman Junior High School. Please note the change in meeting dates: This month's meetings will not be held the 1st and 2nd Tuesday of the month.

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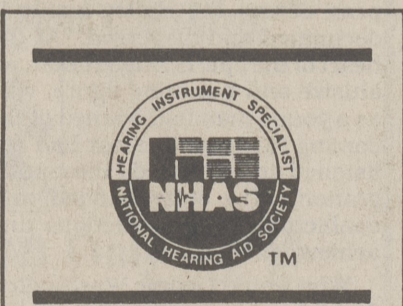
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### Adopt-a-pet

Candy, a white domestic long hair cat would like someone to come to the SPCA and take her home. The year-and-a-half-old female has had all of her shots and is house broken. She is a well-behaved cat and would make a wonderful pet. Call the SPCA at 825-4111 or stop in and visit Candy at the shelter.



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