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THE DALLAS POST

36 Dallas, PA Wednesday, September 11, 1991 35 Cents

Boater or skier? Who is responsible will be key to trial

By ERIC FOSTER
 Post Staff

The state's felony charges of homicide by watercraft and homicide by watercraft while under the influence passed their first test in Luzerne County at a preliminary hearing for Gregg Hanson September 3.

Hanson, 31, of Harveys Lake, was driving a motorboat which was towing water skier Richard Walter on July 27 when at about 7:30 p.m., Walter struck a dock and was killed.

Hanson will also face charges of reckless and negligent operation of a watercraft, operation while under the influence, causing a skier to hit a fixed

object, operating too fast within 100 feet of a dock, and not having a throwable life-saving device on the boat.

District Justice Earl Gregory of Shavertown dismissed charges of towing a skier without an observer and not having registration in the boat.

The charge of homicide by watercraft was created after four people were killed while riding in a boat at Harveys Lake in 1983.

In that crash, Denis Abramavage of Pittston was driving a boat that ran over a smaller boat, killing four passengers in the smaller craft.

Hanson's blood alcohol level measured after the accident was .16 percent, higher than the .10 percent considered legally drunk in Pennsylvania.

A blood sample of Richard Walter showed a .02 percent blood alcohol level.

Unlike motorists, drivers of boats may drink alcohol while operating their craft as long as they are not legally intoxicated.

A Precedent

"This is the first time the law has been applied in the Northeast Region," said Kerry Messerle, Region Manager of the Pennsylvania Fish Commission.

"It has been used elsewhere in the state, but it has not been used for a boat pulling a skier. It's only a test because it's involving a skier. We've had cases where a boater hit a swimmer or another boat, but we don't have any instances with a skier

being pulled."

According to Jim Smith, assistant director of the Fish Commission's Bureau of Law Enforcement in Harrisburg, the charge of homicide by watercraft has been used at least a half dozen times since its inception. Smith said all of the prosecutions have been successful.

While Justice Gregory did send the two homicide charges to county court, Defense Attorney Mark Mack put up a spirited fight to have them dropped during the seven-hour-long hearing.

Mack argued that Richard Walter was responsible for the accident, that he chose to ski close to

See TRIAL, pg 2



Fair Royalty
 1991 Luzerne County Fair queen Laura Musto, 17 of Pittston, stands at right after the competition Thursday evening. On the left is fair queen runner-up Angela Patla, 18, of Sweet Valley, and in the

center is 1990 Luzerne County Fair Queen Janine Chest. Patla graduated from Lake Lehman High School in June. More fair photos are on page 6. (Post Photo/Charlotte Bartizek)

Dallas wants to keep state money

By CHARLOT M. DENMON
 Post Staff

Dallas School District will apply to the Department of Education for approval to keep the \$130,000 increased funding it received from the new state budget, the school board decided at its September 9 meeting.

The school board approved the resolution that the district apply for the waiver after Superintendent Gerald Wycallis explained that under Act 25 school districts had the option of rebating to taxpayers or, if this were not economically feasible, applying for approval to keep the money to reinstate programs or to pay for classroom supplies.

Wycallis said he doubted if the district would get the waiver since the Department of Education was clear in its statement that additional funds must be rebated unless the cost of doing so was too high.

Business Manager Charlotte Williams explained that it would cost the district \$25,000 to rebate the \$130,000, which would amount to approximately \$2.40 for each \$1,000 in assessed property value.

Wycallis asked the board if the

district does not receive the waiver whether they wanted to rebate on the per capita tax or the property tax. The board members agreed unanimously that the rebate should be on the property tax.

See MONEY, pg 3

No action in teacher talks

By CHARLOT M. DENMON
 Post Staff

Teachers in the Dallas School District are working under an extension of their recently-expired contract as teachers' union and administration representatives try to hammer out a new agreement. But according to school board members, there has been no movement toward an accord.

The District's negotiating committee met with the teacher's bargaining committee September 5 for 4 1/2

See TEACHER, pg 3

Fair sets records for attendance, exhibitors

By ERIC FOSTER
 Post Staff

It was the biggest Luzerne County Fair ever this year.

The 1991 fair smashed its attendance record of 30,000 set last year, with approximately 50,000 people crowding through the gates from September 4 to 8.

There also was a record 45 exhibitors under cover, 5,000 entries in the arts and crafts competitions, more than 130 cattle entered for judging, and horse shows every day.

"We have over 500 volunteers. I would like to thank the volunteers for the excellent job they've done," said fair chairman Ed Kelly. "The volunteers did a fantastic job. We had great traffic control, ticket control, work on the grounds. This is what it takes to make a fair."

The exhibitors are also evidently happy with the fair, as 80

See FAIR, pg 6



Could this be a new package for animal feed?

Sandsdale Farms battles back

By ERIC FOSTER
 Post Staff

If bales of hay were packaged like breakfast cereal, cows like Ralph Sands' 4-year-old Jay would be featured on the front of the box.

Jay, a massive black and white patched 1,400 pound Holstein cow, won the Supreme Champion trophy in the Luzerne County Fair's Cattle Judging contest September 6.

Sandsdale Farm, run by Sands with his wife Marion and daughter Harriet, took eleven first places in the judging, which lasted four and a half hours.

More than 130 cattle representing six breeds were entered in the contests. Proud owners led the animals around the small saw

An exceptional cow will produce 25,000 pounds of milk a year, versus 9,000 pounds in 1960.

years.

It was a day that was worked long and hard for. Less than four years ago, on December 12, 1987, an arson fire burned Sands' barn in Kingston Township. Eleven cows were killed that day, while many of the surviving cows died later from smoke inhalation.

Jay was one year old at the time of the fire.

"She was one of the lucky ones to get out," said Sands. "Nine got out of the fire. The youngsters we put out for the winter. Those were all we had. I had to borrow money to purchase animals."

Besides the animals, \$250,000 worth of equipment was lost in the blaze. The arsonist, believed to have

See SANDSDALE, pg 5

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Community Events

- RUMMAGE SALE** - Wed., Thurs., Sept 11-12, 9:30 AM-2 PM, Prince of Peace Episcopal Church, Main St., Dallas.
- FALL FESTIVAL** - Sat., Sept. 14, 10 AM-4 PM, East Dallas U.M. Church, Lower Demunds Rd. Bake sale, new and used goods, refreshments.
- CHICKEN BARBECUE** - Sat., Sept. 14, 4:30-7:30 PM, Jackson U.M. Church, Smith Pond Rd., Jackson Twp. Adults \$5.50, children 10 and under \$3.50.
- TURKEY SUPPER** - Sat., Sept. 14, 4:30-7:00 PM, Loyalville U.M. Church, Loyalville Rd. off Rt. 118. \$4.75 per person, under 6 free.
- HAM AND EGG BREAKFAST** - Sun., Sept. 15, 8AM-12:30 PM, Our Lady of Victory Church, Harveys Lake. Adults \$4.00, children \$2.75, under 5 free.

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Officials will discuss changes to trash plan

By ERIC FOSTER
 Post Staff

Officials from Kingston Township, Dallas Township and Dallas Borough have scheduled a closed meeting on September 16 to discuss possible solutions to residents' complaints about the waste hauling plan instituted by the Dallas Area Municipal Authority (DAMA).

Complaints about the program have included that the cost of \$135 per year is more than some were paying, and that residents are no longer allowed to choose their own hauler.

According to attorney Ben Jones, solicitor for Kingston Township and DAMA, the meeting is not in violation of the state's Sunshine Laws because there will not be a quorum of representatives from any single municipality.

"The whole purpose of the meeting is to address the concerns thus far," said Jeffrey Box, Kingston Township manager. "No official action can or will be taken. This issue should be, are the municipalities and the municipal leaders sincerely looking at the complaints to determine if changes are necessary in the program."

Questions have been raised about the legality of closing the meeting to the public, but an attorney who advises the news media says it is probably acceptable to do so.

"I'd say that they don't have to

See CHANGES, pg 2

"People tell me we look rowdy," said Frank Gelsleichter, of Dallas Township, to the nearly 100 people in attendance.

Gelsleichter was elected an officer of the organization, along with Dave Moser of Dallas Township, Mary Gillis of Kingston Township, and Jackie Zukosky, a Kingston Township property owner.

"Talk low, make them listen,"

Trash pact protesters plan to tone down their act

The newly-formed Back Mountain Citizens, Residents and Taxpayers Association will be using a softer strategy to protest the Dallas Area Municipal Authority's waste collection program.

At the association's meeting September 8, leaders asked members to take a calmer, more professional approach.

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"Talk low, make them listen,"

See TRASH, pg 2