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Suit against DAMA may be over before it begins

DAMA lawyer says there is ample precedent

By ERIC FOSTER Post Staff

A lawsuit filed against the Dallas Area Municipal Authority (DAMA) may never make it to a jury, in the opinion of attorney Benjamin Jones, solicitor for DAMA. The suit, filed September 9 by C&K Sanitation, Searles Sanitation, and Dave's Sanitation, al-

leges that DAMA's contract allowing only one firm to collect trash and recyclables in Dallas Borough, Dallas Township and Kingston Township is unconstitutional. Jones presented a preliminary objection to the lawsuit in Luzerne County Court September 27. The three municipalities passed ordinances earlier this year which gave DAMA responsibility for handling solid waste collection for them. DAMA in turn made a contract with Danella Environmental Technologies of Taylor that made it illegal for any other hauler to collect waste in the municipalities.

The suit alleges that the exclusivity of the contract is unconstitutional because it interferes with the haulers' right to make and keep contracts, and because it effectively takes property from the haulers, in the form of business, without the due process of law. The preliminary objection, which was also filed on behalf of the three municipalities, argues that the legislature has given municipalities the power to make exclusive contracts. "Since 1905 the U.S. Supreme Court has approved exactly this type of action," said Jones. "It has

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been commented on by the courts of every state and approved. Let's take the borough of Harveys Lake, they've awarded one contract to one firm for the collection of solid waste." "I think this is a classic case of a private interest versus a public interest," said Jones. "The private interests, represented by the private haulers, are working against the public good."

The attorneys for the three private haulers, Al Flora Jr. and Philip Medico, have 30 days to respond to the objection. A judge will be given the briefs from both sides, and may decide that the lawsuit should be dropped. If the judge decides that the lawsuit should continue, DAMA will have to file an answer, which admits or denies the allegations made in the suit and explains why. The lawsuit has five counts, each asking for compensatory damages in excess of \$20,000. Suits which ask for less than \$20,000 are not eligible to go to trial, but go through

arbitration instead. If the suit makes it to a jury, the jury will decide on the actual award. "If it goes to a jury, it may take a year or more," said Jones. "The jury will decide the facts and set any damage award. If they are excessive the judge has the right to set aside the verdict or modify it." "For example if the jury went berserk and awarded \$20 million, the judge could remold the verdict," added Jones. "That's rarely done - juries rarely go berserk." Jones, who is also solicitor for

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Body builders pump up for competition

Diet is as important as workouts

By ERIC FOSTER Post Staff

When you think of body builders, you probably think of Arnold Schwarzenegger. Mountains of muscle powered by a lion's appetite. But if Arnold is anything like five body builders who work out at the Gym, located in Dallas on the Memorial Highway, he chows down his veggies and says yuck to the red meat. The five friends who work out in Dallas will compete in the 1991 Drug Free "Night of Naturals" Body Building Championships Sunday, October 13, at the Hanover Area High School Gym. The body-building show, sanctioned by the Northeastern Drug Free Body Building Association, will begin at 6 p.m. For Tess Hollitt, Mark Luchetti, Marlo Lukas, Kris Fisk, and his brother Jim Fisk, the show is about more than building up massive muscles - it's about building up massive discipline. "I eat no red meat," says Hollitt, 27, of Harveys Lake. "I eat a lot of chicken and fish, a lot of vegetables, very little bread and no fats." "They all know me at the Peking Chef," she says. She's the customer who orders chicken and broccoli plain, without any sauce. Except on cheat day - and she has one cheat day a week. "On a cheat day, I'll go out. I'll eat all the bread I want, cereal, I love cereal, spaghetti with sauce instead of dry." Hollitt manages The Gym, which opened in June and is owned by her sister, Raye Hollitt, who appears on the television show American Gladiators. As much as body building is about increasing muscles, it's also about having much less fat on the body. Hollitt started training last



PUMPING UP - Shown preparing for an upcoming body building competition are, from left, Tess Hollitt of Harveys Lake, Marlo Lukas of Shavertown, Kris Fisk of Chase, and his brother Jim Fisk of Hunstville. Mark Luchetti of Plains also works with the group and will compete in the competition.

year, and has dropped in weight from 165 pounds to 119. And the weight loss does not apply only to women. "I train about four and half hours a day except Sunday," says Kris Fisk, 27, of Chase. "Last year at this time I weighed two hundred and some pounds. I weigh 140 now." "I've been going full tilt boogie for about a year," adds Fisk. "I did a little in high school. I just wanted to get back into shape. Diet is 90 percent of your progress." If Fisk had a cookbook, it would include plain tuna fish and plain spaghetti with vinegar on it. "It doesn't taste good but it gives it a little bit of taste," he says. For Marlo Lukas, 23, of Shavertown, body building started out as lifting weights for fun. "I went to a couple of shows

and I liked the way it looks," says Lukas, a senior accounting student at College Misericordia. "I started really getting into it when the Gym opened in June. You can still look feminine." "Guys take to it more than other women," says Hollitt, "as long as you look like a girl." Mark Luchetti, 22, of Plains, began weightlifting last year to build up his left arm, which was injured in an auto accident more than three years ago. But then he went to a show to see a friend, and was hooked. Jim Fisk, 38, of Chase, has been training for several months, and will compete individually, as well as in a mixed pair division with Hollitt. While the regular workouts and dieting may be strict for body builders, the week before the show is worse, as competitors try to eliminate every bit of

fat between their skin and muscle so the muscle will shine through. "When you diet for a show, that's hard. Most professionals only do two shows a year," says Hollitt. "First you bulk up for a show, then about two weeks before - you start cutting." "You want to get your skin real tight, almost translucent," says Hollitt. "That's what the judges look for, they want to see the definition." "The last week before you can't have any carbohydrates," says Kris Fisk. "Basically, you're just about fasting." "It was a gradual thing. You just cut out things little by little," says Lukas, who loves to bake. "I've been working at Chi Chi's part time and you're carrying food..." "I started to like frozen yo-

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Business owners expecting more growth for region

By ERIC FOSTER Post Staff

For several area businesses, the additional store space being constructed at the Dallas Shopping Center is the fulfillment of a long-time need. Three businesses will be moving into new stores in the shopping center, more than doubling their current size. More new stores are expected as a complete remodeling of the center progresses. "I would have done it a year or two ago if the space was available," said Joe Nardone, owner of Joe Nardone's Gallery of Sound, who now has a store in the Dallas Shopping Center, but will be moving into a larger one. Bill and Robin Granahan, owners of Mrs. G's Cookies, are planning to move their store and headquarters on Wyoming Avenue in Kingston to the shopping center pending financial approval. "We wanted to come to Dallas for the last four or five years, but

there hasn't been the right space for us," said Bill Granahan. "We'll be moving into 2,600 square feet, up from 1,100 on Wyoming Avenue in Kingston." After the move, Mrs. G's Wyoming Avenue store will close, leaving stores at the West Side and Wyoming Valley Malls. "We need more space for production. An awful lot of people from out of state order by mail. A lot of people who order by mail are businesses. We have businesses are far away as Michigan ordering," said Granahan. "We think it's a growing area and we live here," added the College Manor resident. EM Video will also be moving to a larger store in the new section of the shopping center. The store's present space is so cramped that videos are stacked neatly on the floor. Peking Chef will also be relocating its restaurant to a larger space

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Cross Valley expected to open in early November

The Cross Valley Expressway connecting Route 309 with Interstate 81 is expected to be completed in early November - bringing with it lots of extra traffic to the Back Mountain. Presently, approximately 25,000 vehicles travel Route 309 daily. When the highway is completed, the Department of Transportation estimates that traffic will increase to 45,000 vehicles daily. Completion of the final leg of the highway will mean that vehicles heading to Interstate 81 and shoppers going to the Wyoming Valley Mall will no longer have to navigate congested Kidder Street. It will be easier for people to reach Interstate 81 because they won't have to contend with traffic from the Wyoming Valley Mall, and perhaps easier for people to reach the mall, because they won't have to fight traffic heading toward the interstate. The mall traffic will still have half a dozen traffic lights to go through before reaching its destination. "We have the contractor under the gun. We want that opened before Christmas shopping begins," said Rolly Keisling, spokesman for the Pennsylvania Department of Transportation. "It's a top priority."

Dallas Borough Council gets 3 new members

By ERIC FOSTER Post Staff

The Dallas Borough Council took on a new look October 3, when three new members were appointed to fill vacancies created by recent resignations. Appointed were the three unopposed candidates running in the November election: William Roberts, William Peiffer, who is the brother of present council member Patricia Peiffer, and Marie Eyer. They will fill the positions vacated by Bob Brown, Don Shaffer, and Timothy Caroll, who announced their resignations at the September 17 council meeting. Donald Cooper was chosen as the president of the new council, and Pat Peiffer vice-president.

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Roberts is a teacher at the Dallas Middle School. He's had a long-time interest in recycling and will serve on the recycling, recreation, roads, and finance committees. "My idea is to hopefully continue the resurfacing of the roads in the borough," said Roberts. He would also like to continue the borough's recreation program, and help resolve the dispute over recycling. "People disagree with how it's being done," said Roberts. "I'd like to see this ironed out to everyone's satisfaction." Peiffer will serve on the roads, police and traffic management committee. He says controlling

traffic on Route 309 is one of his top priorities, especially with the imminent connection to the Cross Valley Expressway. "It's great that it's coming in, but it's something we have to look at," Peiffer said October 7. He said that leftover federal highway funds may be available to offset the cost of new traffic lights, which can run to \$150,000 each. "The borough can't afford it by itself," he said. "The Back Mountain communities have to get together." Peiffer mentioned the intersections of Route 309 with Main Street (near Offset Paperback) and with Center Hill Road as likely locations for traffic signals. Peiffer is also a member of the borough's zoning board, but says that he will resign that position in

January. Eyer, a bookkeeper for her husband's landscaping business, will chair the finance and recreation committees. She has also worked for an accounting firm and held other bookkeeping duties. Eyer said she's eager to begin working on borough projects. "I'm looking forward to it," she said. "I think we have a good group. I think we'll be able to do a lot in the coming years." Eyer's goals include forming plans to maintain borough property. "I'd like to see us start a capital improvement program," Eyer said October 6. "A long range plan to take care of the roads."

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Community Events

- RUMMAGE SALE - Fri., Sat. Oct. 11-12, Fri., 9-5, Sat. 9-12, Lehman United Methodist Church.
- TURKEY DINNER - Sat., Oct. 12, 4:30-7:30 PM, takeouts 4-4:30. Idetown United Methodist Church. Adults \$6.00, children \$3.00.
- HAM DINNER - Sat., Oct. 12, family style, 4:30-7 PM, Eastern Star Hall, Dallas. Takeouts available. \$6.00.
- FLEA MARKET - Sat., Oct. 12 9-4, Sun., Oct. 13 10-4, Jackson Twp. Fire Hall. Sponsored by Ladies Auxiliary.
- QUILT SHOW - Sat., Sun., Oct. 12-13, 10-6 each day. Penn State Wilkes-Barre. Presented by Pennsylvania Quilters Ass'n. \$4.00 admission, children under 10 free.

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