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POST PHOTO/CHARLOTTE BARTIZEK

## Sprayin' in the wind

Dallas firefighter Bob Besecker kept a close eye as he tested out Dallas Fire and Ambulance's 2000 Pierce Quantum Rescue Engine. In addition to firefighting capability, the unit has a permanent set of rescue tools including a Jaws of Life. Brett Slocum, chief, said the new engine replaces the company's 1977 American LaFrance,

which was sold to help offset the \$350,000 cost of the new unit. He said the fire company needed this type engine because of the frequency of auto accidents and other emergencies to which they are called. The department also maintains another fire engine, a tanker and an ambulance.

## Quarry quarrel comes to head Thursday

By KASIA McDONOUGH  
Post Staff

**JACKSON TWP.** - As a public hearing date approaches, Bernard Banks, owner of American Asphalt Paving Co., and Jackson Township supervisors appear no closer to resolving a long-running dispute over mining at the company's Chase quarry.

"I keep hearing the people have to make up their minds," said Banks. "But it's the supervisors who have to decide. If they agree to change it (the zoning designation) back to mining the lawsuits are all over. If not we'll just continue in the courts."

The matter, which has been the subject of legal action by both parties, stems from a 1976 zoning ordinance designating the property in question for agricultural use. American Asphalt officials, intending to expand their mining operations, had been negotiating with Pennsylvania Gas & Water and a private land owner to purchase two parcels adjoining the company's property on Chase Road.

In 1977 as the sale of the Crumley and Theta parcels was finalized, preparations for mining began. "We started moving dirt, clearing trees, building road and test drilling," said Banks. "I didn't learn about the meeting where the zoning ordinance changed the Theta and Crumley property from M-1 to A-1 until October of 1977."

Banks contends the 1976 ordinance is invalid because the public meeting at which the action was taken was not appropriately advertised. "They didn't notify the groups that would be affected about the meeting and they didn't advertise it in the papers as required by law," said Banks. "Consequently, we do not honor that ordinance as being valid."

Marlene Pawlowski, who was hired as Jackson Township planner in 1976, has been involved with this case from the beginning. "I went into this with an open mind and I still have an open mind," she said. "But Mr. Banks is wrong if he said 1976 ordinance does not exist. It certainly exists.



POST PHOTO/KASIA McDONOUGH

One of several crushers at the American Asphalt quarry. Boulders are placed in a chute where they are broken into smaller particles. The ground stone is used to make road surfacing materials.

*"The bottom line is he did not contest the action; he just went along his merry old way and mined all the land zoned for agriculture."*

Marlene Pawlowski  
Zoning consultant

He has known about it all along and we have fact showing he was at the meeting when the changes were made."

Pawlowski said residents can appeal zoning decisions within a 30 day period. "The bottom line is he did not contest the action; he just went along his merry old way and mined all the land zoned for agriculture," she said.

The ordinance, which changed the Theta and Crumley properties' designation from mining to agriculture, was just one of a series of zoning changes made by

the township in the middle and late 1970's. "There were innumerable problems with the Jackson Township zoning ordinances and we set out to eliminate them," said Pawlowski. "We began by adding interim amendments until we could go back and update everything so there would be a comprehensive township ordinance."

Township planners completed their review of all zoning regulations and a new set of ordinances was adopted in 1979. "We don't dispute the 1979 ordinance," said Banks. "But we had already

**Public Hearing**  
Thursday, Jan. 13 • 7 p.m.  
Lake-Lehman High School

started mining the Crumley and Theta portion prior to it being passed so we applied for a certificate of non-conforming use. The supervisors denied our application in May (1979)."

Over the course of the next two years, Banks appeared before the zoning hearing board on numerous occasions offering an estimated 2,000 pages of testimony. The board denied American Asphalt's challenge to the 1976 and 1979 ordinances in April of 1982. "That's when it became a matter for the courts," said Banks. "We filed an appeal with the Luzerne County Court of Common Pleas and Attorney McCall was appointed a referee."

Numerous meetings and formal hearings were held during the next three years. "In February 1985 Attorney McCall told both sides to negotiate a settlement," said Banks. "We submitted a proposal to change the zoning designation back to mining. Included

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## Zoning board asked to rescind trailer permit

*Solicitor says an appeal must be filed first — by someone*

By RONALD BARTIZEK  
Post Staff

**DALLAS TWP.** - More than 20 residents of the Kunkle section turned out for a meeting of the township zoning board Monday night, asking that the board reverse a decision that allowed Daniel Meeker to place a mobile home on a lot at the intersection of Kunkle Rd. and County Rd.

Before they could speak, Frank Townend, solicitor for the township supervisors, stated their opposition to the permit that allowed Meeker a variance as long as a permanent foundation is built under the structure by Feb. 15. "We think the trailer is a violation of the zoning code," Townend said. "We are recommending and requesting that you revoke or rescind the permit for Dan Meeker's trailer."

*"We already pay taxes, why should we have to pay to have ordinances upheld?"*

Christine Slacktish  
Dallas Twp.

Doug Higgins presented zoning board members with a letter making a similar request, and a petition that he said contained signatures of 89 people who want the permit revoked.

Township supervisor Frank Wagner added his voice to the controversy. "It's not a hardship, and it is a rental. The one that applied for the permit is not going

See TRAILER, pg 8

## Dallas considers new tests

By KASIA McDONOUGH  
Post Staff

**DALLAS** - Administrators in the Dallas School District are considering implementing a new standardized testing system. The Terra Nova Tests would replace the California Achievement Test (CAT) currently used by the district.

The district administers CAT to students in first through 10th grade. New statewide standards require students in the third, fifth, sixth, ninth and 11th grades to take the Pennsylvania System of School Assessment (PSSA) tests.

A group of teachers, administrators and guidance counselors reviewed the standardized testing program and recommended the district adopt a new form of testing. "The first thing we looked at was the time factor," said Speziale. "We spend about two weeks of every academic year administering the CAT tests and another two week block of time administering the PSSA tests. In some grades, we lose four weeks of instruction. That creates a problem, especially at the high school where we have the intensive schedule."

*"We should be testing the curriculum, not just by teachers' standards but by national standards."*

Dr. Gil Griffiths  
Superintendent of Schools

The Terra Nova Tests are similar to the PSSA in both form and function. "The CAT provides longitudinal data which the district has compiled and used over the years," said Speziale. "From that information, we can see that Dallas has been very consistent over the years. Unfortunately that's about all we can learn from reviewing CAT scores over the years, where the Terra Nova and PSSA give us much more valid data."

Speziale said the CAT provides norm reference scores while the Terra Nova Tests and the PSSA provide both reference and performance scores. "The CAT is not

designed to find out what kids know but what they don't know," he said. "If the test's authors know there is a question every kid in the country is likely to get right they are going to throw it out. They are looking for questions about half the population will get right."

In contrast, the Terra Nova Tests and the PSSA ask questions

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