

'Hot Dog Bob'

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solicitor due to a conflict of interest in the case. "The matter before us is not for a variance."

"It still doesn't meet the requirements," Jones said. He said the lot doesn't meet the requirements for parking and the requirements of the zoning code.

The prior decision could only be used if it was the exact kind of situation, Lesho said. That decision involved a taco stand being built at Pole 4 and does not apply in the case of a hot dog cart.

"It's about the property. The property cannot sustain any type of business."

Damien Kaye
Owner, Damien's on the Lake

The lot located at Pole 4, is a 36 1/2 feet by 125 feet and is zoned Highway Commercial District C-2. Kaye said the lot is only 4,500 square feet and the borough requires 15,000 square feet for an eating and drinking establishment.

By standards of the borough code, it's being used as a business, Kaye said. He presented to the board a total of 24 violations and noncompliances with the property in its current use.

"It's about the property. The property cannot sustain any type of business," Kaye told the board. He also presented a poster board of photos showing the traffic and parking situation when Prescott's cart is there.

Prescott testified he was submitting the property from Tom Williams, who has a lease with the owners of Pole 4, Louise and Greg Howells.

"Maybe I'll just set up there every day and see what kind of citation they give me."

"Hot Dog Bob" Prescott
Harveys Lake

"Operating on a state right of way is a legal thing to do," Prescott said. He told the zoning board he couldn't understand why he cannot operate his cart at Pole 4.

Parking was a concern for both Jones and Kaye, saying people were parking in their lots to visit Prescott's hot dog cart. But Maryellen Prescott pointed out that neither business owner has posted signs stating the parking lots are only for their customers.

Michael Garrity, board member, made the motion after all testimony was heard to send "Hot Dog Bob" packing. The board unanimously approved the motion. Prescott was ordered to cease and desist business at Pole 4.

"In effect the board has said that's the only place I can't operate in Harveys Lake," Prescott said.

"Maybe I'll just set up there every day and see what kind of citation they give me," said Prescott. He said he heard the fine would only be something like \$10 a day.

"They (Kaye and Jones) got what they wanted, they got their names off the complaint," Prescott said. "Now I have to go up against the zoning board," he said, if he wants to appeal the board decision.

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Scholarships

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arship winner. She is attending Allied Medical and Technical School in Forty Fort. Stephanie is studying massage therapy. Her scholarship is helping pay for her tuition.

"They are also teaching us business skills too," Stephanie said. "I might open my own spa."

Stephanie's uncle, Jim Yascur, is a Post member and encouraged her to apply for the scholarship. She was the only qualified applicant who applied this year, Michael said.

"We didn't have as many people apply as we would have liked," said Michael. Since the American Legion had extra scholarship money this year, it decided to help last year's students with funds for their second year of school.

Carrie Hardik, a second year human services major at LCCC, was glad to receive a second scholarship to help pay for school. Carrie, a Dallas High School graduate, would like to become a high school guidance counselor.

"Every time I take another class or lecture, I know this is where I belong," said Carrie. "My high school guidance counselor helped out a lot along the way, and I'd like to do that for someone else."

Daddow-Isaacs American Legion Post No. 672's scholarship program would not be possible without the help of the many golf tournament sponsors, said Bob Hislop, scholarship chairman. The 2002 golf tournament will be held May 11 at the Shadowbrook Inn and Resort.

Bicycles

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right-of-way, people honk at us and tell us to slow down," said Adam Morgan another pre-licensed youth who uses his bike to get around.

Many local residents took to the roads on bicycles in preparation for the recently completed triathlon. Bonnie Dombroski of Dallas was one such rider.

"I ride around the lake (Harvey's Lake) and it's pretty scary," she said. "Cars go so fast. I don't think drivers realize how dangerous it is to pass a bicycle too closely. It feels like you're going to get blown off the road." She expressed her concern about someone getting hurt.

"If they would only wait a couple of seconds, the bicycle can usually get out of the way. You know the sign says 'share the road.'"

The following information from the Pedestrian and Bicycle Information Center explains the notion of sharing the road.



Scholarship recipients, seated, from left: Stephanie Card, Lehman; Jaclyn Senese, Trucksville; Carrie Hardik, Dallas. Standing: Bruce Pitts, Dallas; David Wolfe, Lehman; Justin Tamanini, Shavertown; Walter Hislop, scholarship chairman.



American Legion Post No. 672 scholarship committee members, seated, from left: Bob Hislop, Walter I. Galka, Ed Buckley. Standing: Commander Kepner Gottshalk, Clarence Michael, Fred Davis, Chuck Glasser, Ed Lozo, Paul Jobson, Past Commander Jack Goode.

Sharing the Road for Cyclists: Ride on the right (in the same direction as traffic); act like a motorist (the same laws that apply to motorists apply to cyclists); always wear a properly fitting helmet; ride predictably (don't swerve in the road or between parked cars); be visible (make eye contact with motorists to let them know you are there).

Sharing the Road for Motorists: Drive cautiously (reduce speed when encountering cyclists; in inclement weather, give cyclists extra trailing and passing room; recognize situations that may be potentially dangerous to cyclists and give them space); yield to cyclists (cyclists are considered vehicles and should be given the appropriate right of way; cyclists may take the entire lane when hazards, road width or traffic speed dictate; motorists should allow time for cyclists to traverse intersections); be considerate

(scan for cyclists in traffic and at intersections and do not blast your horn in close proximity to cyclists); pass with care (leave at least three feet of space between your car and the cyclist when passing; wait until road and traffic conditions allow you to safely pass; look over your shoulder after passing a cyclist before moving back to normal position); watch for children.

Kocis

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five photos, two of which were nude, he sent to Kocis. Kocis also gave the boy his phone number so he could call him. He also told the boy to check out his adult gay/bi-sexual video ordering website.

The next day the boy called Kocis and they made arrangements to meet near the boy's house in South Whitehall Township. "He would take pictures of me and show me what he did in his studio," the boy said. He said Kocis had told him he was a pornography dealer. The teenager told his parents he was going to Dorney Park for the day.

Kocis met the teenager and drove him from Lehigh County to Wilkes-Barre City, the boy said. The teenager, who was 15 at the time of the alleged incidents, said he told Kocis his real age when they were on the turnpike. "I told him to turn around if he had a problem with that (his age)," said the boy. "He said 'Oh, these boys,' and patted my head."

"I wish you had your driver's license or permit so you could drive up here," the boy said Kocis told him. He said he never told Kocis or gave him any reason to believe that he was 18 years old.

At Kocis's house, Kocis showed the boy a pornographic tape he had taped with two males. "He said he wanted to video tape me," the boy told the court. The boy said he allowed Kocis to tape him.

The boy followed Kocis's directions, he said, which included taking part in sexual activity together.

Kocis then drove the boy home and continued to keep in contact via e-mail and telephone.

The boy said he went to Kocis's house about two weeks later because Kocis said he had a job for him packing video tapes. The boy said his family was going on vacation and he wanted to make some money for the trip. "He came and picked me up," the teenager said.

"I reminded him once again that I was 15," the boy said.

When he arrived at Kocis's house the two sat and watched a Showtime program called "Queer as Folk," then the boy

said Kocis performed a sexual act on him.

Kocis then asked the boy if he wanted a soda and gave the boy a Pepsi One. The can was already opened when Kocis gave it to him, the boy said. About 15 minutes later, the boy said he felt tired and dizzy. The boy said Kocis grabbed him by the wrist and took him upstairs because he wanted to have sex.

The boy said once they were upstairs he told Kocis to stop. He said Kocis was angry and went to the basement.

Kocis then gave the boy videos to pack and gave him \$10. He then drove the boy back to Lehigh County, the boy testified.

The boy said after the second incident he made up excuses why he couldn't see Kocis again.

Fred Rosencrans, Dallas Township Police officer, testified he saw the video tape Kocis had made of himself and the boy. Rosencrans said he saw sexual acts occur between Kocis and the boy on the video tape.

Al Flora, Kocis's attorney, argued for the rape charge to be dropped because the boy knew he was engaging in these acts with Kocis. Flora said, "Under these circumstances, don't make out a case of rape."

The testimony of the victim stating he was taken to Wilkes-Barre City was another point Flora argued to try to get the case thrown out. He said the crime could not be established to have happened in Dallas Township. He argued the venue was improper due to the victim's testimony.

Jeff Tokach, assistant district attorney, said the victim was from out of the area and could not know the difference of where he was taken. He also said the circumstantial evidence showed the crimes to have happened in Kocis's house in Dallas Township.

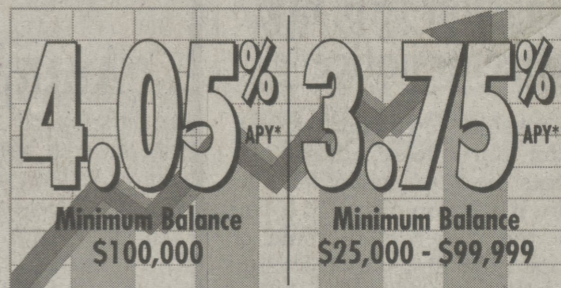
Tupper ruled the rape charge was an insufficient case because their was no evidence from the search of the house. He dismissed the charge. All other charges have been bound over for trial in Luzerne County court.

Kocis has been free on bail since the day after his arrest.



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