



# THE DALLAS POST

United We Stand

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50 Cents

SERVING THE COMMUNITIES OF THE DALLAS & LAKE-LEHMAN SCHOOL DISTRICTS



### SPORTS

Irem Temple Potentate Tournament results. Pg 9.



### SCHOOL

Local high school students get a look at college biology. Pg 12.



### COMMUNITY

Lions honor local West Point cadets. Pg 5.

## Complaints continue as 20-year-old zoning dispute nears resolution

By ELIZABETH ANDERSON  
Post Correspondent

**JACKSON TWP.** — Hot summer nights. Hot, loud, sleepless summer nights. Two months ago, Jim Canon of Chase Road told Jackson Township supervisors the all-night activity at American Asphalt Paving Company was keeping him and his wife awake and asked for

their help. Noisy machinery, screeching trucks and banging — and blasting. "I'd just like to sleep — like a normal human," said Canon wearily. Last week, the township zoning officer, Andrew Sholtis, issued American Asphalt a zoning enforcement notice for noise — blasting — and "operating under unreasonable hours." "We have not heard anything since then, at this point," said Sholtis at

Monday evening's township meeting. The township's solicitor, Jeffrey Malak, will take the matter before the zoning hearing board in yet another zoning matter against American Asphalt. "We tried to reach agreements with them and it just wasn't happening," Malak said. "We have set hours of operation and right now, he is operating outside of that." The other American Asphalt zoning

matter started in 1979, when Malak was in kindergarten. American Asphalt appealed Jackson Township's 1979 zoning ordinance and after two years of hearings, both sides dropped the ball. Malak petitioned the court and revived the 22-year-old dead case and has been trying to bring it to a resolution. In March 2002, Judge Mark Ciavarilla appointed Richard M. Hughes to serve as master of the case and hear

testimony from all parties. Hearings have been set for August 12 and October 03. "It looks like we're going to have a hearing and try to have a decision by November or December," said Malak. "Then it will go up to Judge Ciavarilla for either modification or approval or remand back to the master. In any

See ZONING, pg 4



POST PHOTO/JIM PHILLIPS

Sean Robbins, of Dallas, led a pack of riders up a hill during the bicycle leg of the 21st Wilkes-Barre Triathlon, held Sunday. Robbins was the top local finisher, in 16th place.

## Mother Nature adds degree of difficulty

By TIMOTHY J. RAUB  
Post Staff

**LEHMAN TWP.** — Mother nature has a knack of making the annual Wilkes-Barre Triathlon tougher than it already is.

Each year the rain and cold or the sun and heat are at their worst. Sunday was no different. Athletes and spectators sweltered as temperatures were in the mid-70s at the start of the race and in the low 90s when the last

group crossed the finish line. At the triathlon, 500 competitors battled high humidity and heat indexes well into the 90s in what is being called the worst heat-related weather conditions in some time. The temperature reached a high of 92 degrees at 4 p.m. Sunday at the Wilkes-Barre/Scranton International Airport, according to The National Weather Service at Binghamton. "It is very hot with a high humidity index, and we're seeing a lot of heat exhaustion and dehydration," said race medical coordinator Nancy Koine. "There are probably about 50 percent more (heat-related illnesses) this year. We're giving a lot of intravenous fluids, and started with our second

**INSIDE: Complete list of local finishers**  
More photos, pg 10

Koine said triathlon coordinators had plenty of water on hand and were well prepared for the event. Runners were drenched with water and were given cold wet towels at the finish line. A pool was set up to cool body temperatures, but the weather still made it hard on competitors. "It's cooling them down, but the heat and humidity is still the problem," she said. Dave Prohaska, co-owner of Northeast Paramedics, was giving wet towels to participants at the finish line and was able to quickly evaluate their condition.

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## Board switches vote, press box is a 'change order'

**New solicitor advises bid process will cost more**

By ELIZABETH ANDERSON  
Post Correspondent

**LEHMAN TWP.** — On advice from its new legal counsel, the Lake-Lehman School Board decided a new \$49,000 two-story concrete press box, replacing the dilapidated wooden press box on the football field, qualifies as a change order and need not go out for bid. Tuesday night, the board voted unanimously to rescind their July 25 deci-

sion to advertise the press box for bid and approved the construction of a new press box as a change order to Pikes Creek Site Contractors of Sweet Valley. With no solicitor to rely upon at the July meeting, several board members said they felt uneasy about the legalities of such a large change order and chose to bid the project. The board, operating without legal counsel since June, appointed the new solicitor at the July 25 meeting. "A change order was the ticket to use," said Charles Coslett, the district's newly hired solicitor. After reviewing the project and consulting with Douglas Trumbower, the district's architect,

Coslett said, "It would have been penny wise and pound foolish to have gone the bid route because based upon his experience, Trumbower told me it would have cost thousands more to do it through the bidding process as opposed to doing it with the contractors are ready on site." Coslett said after working with Trumbower at West Side Vo-Tech in the '80s, and knowing him for over 20 years, he feels confident in Trumbower's expert opinion. "It was legal based upon the initial contract documents to issue a change order because the defect was not discoverable to the naked eye," said Coslett. "It was a latent defect, only dis-

covered once they started ripping up the boards." A change order, as defined by the Pennsylvania Department of Education, Division of School Facilities, is a transaction for additional or changed work, with a contractor already under contract, to provide work which is substantially similar to, or incidental to, that covered in originally approved plans and specifications. Change orders usually fall under \$10,000, but may be higher for unforeseen conditions discovered during construction. With only a few weeks until the start

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## Dallas pool falls behind

**Board members irate over delays**

By TIMOTHY J. RAUB  
Post Staff

**DALLAS TWP.** — School directors blasted middle school construction management officials for significant delays in the school's construction and renovation project Monday night. In his monthly report to the board, Len Gallo of Reynolds Construction said there would be at least a three to four week delay in the completion of the natatorium due to a lack of construction personnel and a delay in the arrival of materials to the job site. Board member Tony Barbose was clearly the most outspoken on the issue, telling Gallo the delay was "not acceptable at Dallas." "I suggest (the contractor) go and hire somebody — at his cost," Barbose

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