

# Plant neighbors consider legal steps

By RONALD BARTIZEK  
Post Staff

**DALLAS TWP.** — Neighbors of the Pulverman Enterprises plant have spoken with an attorney about continuing objectionable noise from the metal stamping facility.

"There hasn't been any improvement," said Dr. Michael Kovalick Thursday. He lives in the Orchard View Terrace subdivision, which is situated behind and above the plant. But he says the group of residents affected by the noise includes people who live across Lower Demunds Road from the factory, and others who live in the Ondish Hills development, built on a ridge across the narrow valley from Orchard View.

"It's the repetitiveness of the thumping," that causes distress, particularly at night, Kovalick said. "The frequency of the noise travels into the homes."

Kovalick said Barbara Brennan, who lives next door to the plant's former location in Courtdale, had contacted him and was interested in helping the residents take action. She has said that during the five-year period Pulverman operated in Courtdale she had to sleep with the television on to block out banging noises from the presses and loud music from employees' boom boxes.

The company moved its operations from Courtdale to the former Energy Converters plant in January.

But it may be a while before the volume is turned down.

"I think we're going to litigate this to our utmost ability," said Atty. Michael Melnick, the township's solicitor, on Wednesday.

Atty. Patrick Aregood, representing Pulverman, hopes for an accommodation.

"I think both parties are working toward an amicable decision," he said.

Pulverman has appealed a noise violation, it received in May, and feels that under the statewide municipalities planning code, the township should not enforce the noise ordinance until the company's appeal is heard.

"They have filed an appeal to the enforcement action, which means we can't enforce it,"

Melnick said.

Zoning officer Len Kozick must now schedule a hearing before the zoning hearing board. Either party may appeal the decision of the board.

Melnick plans to ask the court in a letter to allow the township to make the company comply while the appeal is pending. The noise ordinance, which is included in the township's zoning regulations, limits noise to 72 decibels.

Along with its request to lift the stay, the township will retest the noise level around the Lower Demunds Road plant to show that the company has violated the order to cease and desist operating over the noise limit. The testing will be conducted by township engineer Tom Doughton. Melnick said expert opinion is also being solicited from an acoustic engineer.

Pulverman officials will have the opportunity to respond to the township's letter. Melnick said the process could take 30 days.

Melnick said he was at a house near the plant Tuesday night. "It seemed pretty obvious it was beyond the allowable level," he said.

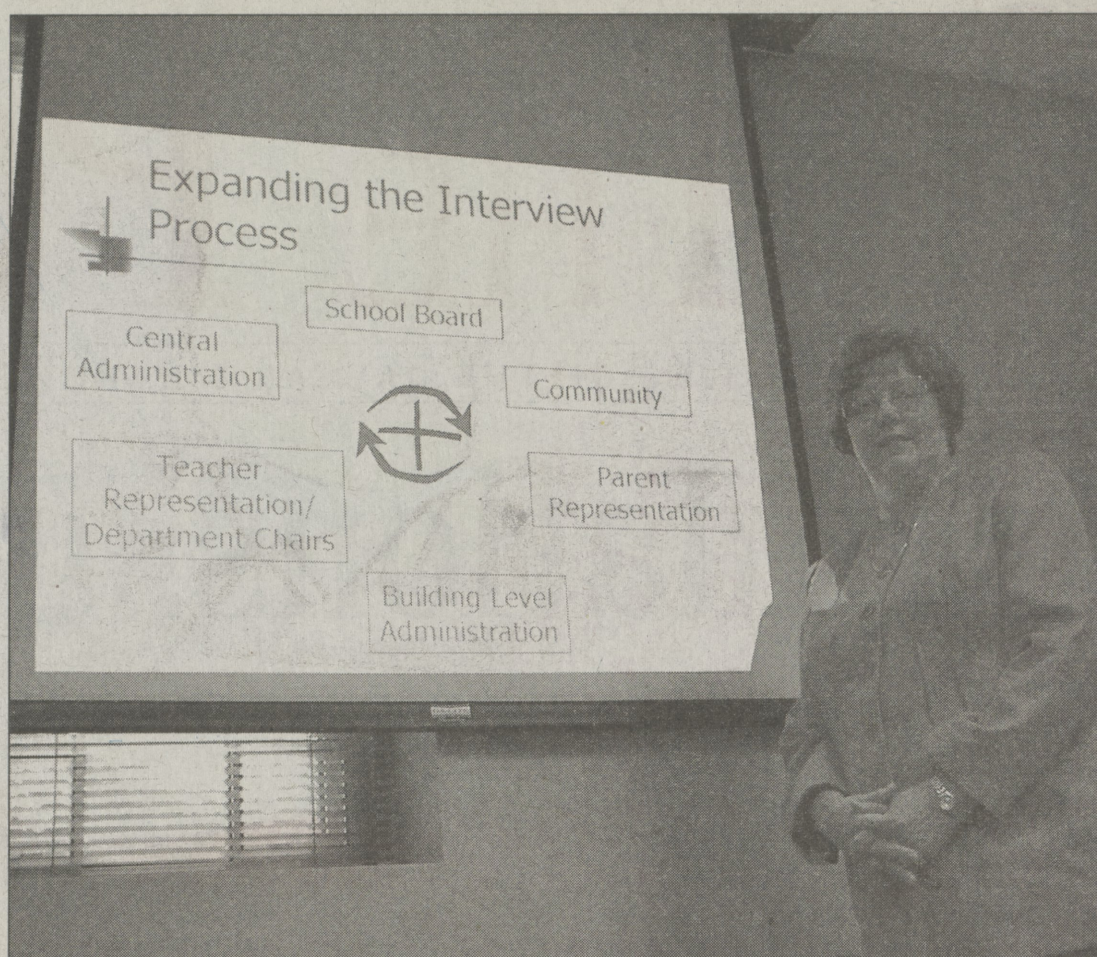
Three weeks earlier, Melnick met with Pulverman's owner, Randy Mark, at the plant. "It was incredibly loud inside the factory," Melnick said. "When I went outside, it was still very loud within 100 feet of the building."

Melnick said Mark told him the company would plant shrubs and trees, "as tall as they could buy them," behind the factory to help deaden the sound. "It's a good start," he said, and suggests trees could be planted between the building and Lower Demunds Road to shield homes there.

Aregood said Pulverman has already taken 28 steps to address the noise problem, and is trying to be a good corporate neighbor.

As he seeks to resolve the situation with Pulverman, Melnick is also drafting changes to the noise ordinance that would reduce the allowable level to 45 decibels.

Mark did not respond to a request to be interviewed for this story.



Dallas School Board member Maureen Matiska made a presentation April 20, hoping to convince the board to make hiring criteria more standardized and rational. Other board members are rewriting district policy to shift more hiring responsibility to the board from the administration.

# At least six have applied for Dallas School Board opening

By MARK GUYDISH  
For The Post

**DALLAS TWP.** - Dallas School Board President David Usavage said at least six people have expressed written interest in filling the seat left open by Deborah Morgantini's resignation, which took effect June 11.

Former board members Karen Kyle and Rich Coslett have applied, as well as Christopher Concert, Dan Nulton, Demetrius Fannick and Todd Buckley.

The board has 30 days after the resignation to pick a replacement. Then the matter is given to a Luzerne County judge.

The board also is sifting through dozens of applications for teaching posts, including a high school science teacher. Usavage confirmed rumors that Ted Jackson Jr., the high school football coach's son, has

applied for the science slot.

Jackson Jr. was named head basketball coach during a special meeting May 24 after weeks of rumors saying he was in line for the job.

The way the district hires people — and how it makes its budget — also are likely to change. Board member Gary Mathers has drawn up revisions to at least five sections of the board policies: board function, organization, employment procedures, personnel records and finances.

Many of the changes are single words, such as one requiring administrators to set specific priorities, rather than general ones, when proposing budgets.

Other changes are more sweeping, taking responsibility from the superintendent and giving it to the board. Under current policy, the superintendent or a "designee" developed procedures for recruiting

and recommending employees. The new policy includes an undefined "management team" in the process.

The proposed policy also deletes a section that gave the superintendent sole discretion in recommending a second choice for a job if the board rejected the first recommendation.

Usavage said he believes the changes make the process more democratic. "It broadens the opportunity for everyone to be involved. It doesn't just say the superintendent alone is going to decide who gets hired."

But board member Maureen Matiska disagreed. She said the superintendent and district administrators are trained to make the right decisions, and paid well to do it.

"I just couldn't make a lot of sense out of the changes. I couldn't see the purpose of them."

# Another township needs to set up construction appeals board

By VICKI KEIPER  
Post Correspondent

**JACKSON TWP.** — Supervisors said at their June 7 meeting that they are looking for volunteers to serve on the Uniform Construction Code board of appeals.

Once the supervisors passed an ordinance adopting the

code, they are required to create a board of three to seven township residents to hear citizens' appeals to decisions made by the code administrator, said Supervisor David Roskos.

"After a zoning hearing, if someone isn't happy with a code, they would go to the board of appeals."

Anyone interested in serving

on the appeals board must send a letter of intent to the supervisors by July 3, said Supervisor Chairman John Wilkes, Jr.

The new construction code requires members of the appeals board to have a background in construction. Government officials cannot serve on the board but they can fill any empty positions with a

"qualified person who resides outside of the municipality" if they can't find enough qualified residents.

In other business, the board voted to allow the township road and police departments as well as the neighborhood crime watch group to participate in the 2004 Drug-Free and Safety Festival on July 17 at the

Church Street and Third Avenue Park, Kingston. The festival runs from 11 a.m. to 10 p.m. with a fireworks display at 9:30 p.m.

The board also re-appointed Walter Billings for another term on the planning commission.

"Walt does a great job for us," Wilkes said.

# Band battle will aid fire company

Rock bands will be battling it out come June 25 at the Luzerne County Fairgrounds.

The Shavertown Volunteer Fire Department will hold a "Battle of the Bands" competition featuring local bands from 4 p.m. to 1 a.m., with a live broadcast from radio station 97.9X. The winners of the battle royal will be awarded \$500, with the runner-up receiving a \$200 prize.

According to committee co-chair Jeffrey Jumper, the event will feature a mix of music, but will concentrate on new age rock. "We have eight bands competing in the event," said Jumper. "We're hoping for a 500 person turnout."

Each band will have equal time to present its material. The admission is \$10 at the gate and \$8 in advance. Tickets are available at Wayne's World, the Gallery of Sound in Dallas, Kingston and Wilkes-Barre, or from any Shavertown Volunteer Fire Department member. Fireworks, courtesy of Phoenix General Contracting, will also be featured at the event, along with refreshments.

For more information on the battle, log on to the fire company's website at [www.shavertownfire.com](http://www.shavertownfire.com) or call 675-1302, mailbox 8.

# Dog license sales

Luzerne County Treasurer Michael L. Morreale has announced that 2004 dog licenses are now available at the following locations:

- Dallas Twp. — Hoof-in-Paw-n-Jeans, 675-4800.
- Kunkle — Pet Care Associates, 675-1621.

Licenses also will be sold at the Treasurer's Office in the Luzerne County Courthouse, Wilkes-Barre, and at the Hazleton annex, 145 E. Broad St., Hazleton.

To obtain licenses by mail, send your name, address, telephone number, date of birth (if 65 or older), the dog's name, color, breed and gender. The mailing address is: Luzerne County Treasurer, Courthouse, Wilkes-Barre, PA 18711. Return postage is not necessary.

The regular rates are \$8 for males and females; \$6 for neutered males or spayed females. The rates for senior citizens with disabilities are \$6 for males and females; \$4 for neutered males or spayed females. If you are applying for a license that requires the dog owner be a senior citizen (at 65 at the time of purchase), or a person with the disability, you must provide proof of age or disability to the county treasurer or agent.

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