

May 20, 2006

State court: City resident must pay \$11,056 legal bill

By: Denise Allabaugh

WILKES-BARRE — Heights resident Denise Carey will be forced to pay the \$11,056 legal bill she tried to fight, said Assistant City Solicitor Bill Vinsko.

Since Carey's lawyer did not provide all the documents necessary by the deadline, her appeal was dismissed, according to an order handed down by the Commonwealth Court of Pennsylvania on Friday.

Carey, a mother of four and a social worker, was slapped with the hefty bill last year after she withdrew a petition proposing to change the city's home rule charter. Her goal was to put a referendum on the ballot so voters could decide whether or not the Heights firehouse should reopen. She said she cannot afford to pay the bill.

"I'm in tears right now," Carey said, when told about the court order.

Since the firehouse in her neighborhood closed in October 2004, Carey continually pleaded with Mayor Tom Leighton and city council to reopen it. After several unsuccessful protests, she started a petition drive to try to reopen it. More than 1,100 people signed the petition.

Carey does not believe the case is over yet and she is not ready to concede. She said her lawyer will take care of it. She is represented by Attorney Lisa Welkey, who did not return a call for comment.

Vinsko said the case is over and Carey must pay this legal bill. The order upholds Luzerne County President Judge Michael Conahan's decision in August last year.

"It's important to realize that we believe that the fees and costs were justified because the original petitions were done illegally and incorrectly, and it's clear now that the order of the court which levied the fees and costs will stand," Vinsko said.

Carey said her only goal was to reopen the firehouse.

"That's all I wanted," Carey said. "I thought that was the way it had to be done. I thought I exhausted every other way. I wanted the people to have a voice by having it on the ballot. The people would have voted for it."

Even if the residents were successful in getting a referendum on the ballot to reopen the firehouse, Leighton and Vinsko said the city could not do it since there are code violations and the city could not afford to staff it.

Tom Makar, president of the Wilkes-Barre firefighters union, said with all the concessions that the firefighters made, he believes the city should have enough money to hire more firefighters. The city formerly had 17 men on duty. They now have 14. They had 88 firefighters three years ago. They now have 79, he said.

Makar also frequently attends city council meetings to ask that the number of firefighters on duty be increased.

"They're trying to dig themselves out of that hole left by the previous administration and they're sacrificing public safety to accomplish that," Makar said.

Makar feels that slapping Carey with the \$11,056 legal bill is "sad." He said the firefighters will try to help her.

"I feel sad that's there's an ordinary citizen fighting for public safety in her area and the city played hard ball with her," Makar said. "I just think it's a sad statement."

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