

City solicitor asks court to dismiss residents' petition

By Robert Kalinowski
Staff Writer

An attorney for Wilkes-Barre wants a judge to throw out a petition that seeks to amend the city's home rule charter and give residents more control in forming policy.

The petition, spearheaded by disgruntled residents, would violate Pennsylvania law if implemented and was done under "misleading, if not outright false pretenses," according to an objection filed Tuesday in Luzerne County Court.

"We're challenging this on two issues — the substantive legal issue and the procedural issue," said Assistant City Solicitor Bill Vinsko, who wrote

the 150-page objection.

The group looking to change the city charter, led by resident Denise Carey, wants to implement policies — like when a special election for a ballot question formulated by residents should take place — that are contrary to guidelines established in the state's Constitution and state and local election law, the suit says.

Several other irregularities in the petition process were documented since Carey submitted the petition of nearly 1,200 names to the Luzerne County Board of Elections on Aug. 5, according to the suit.

The suit names seven people who signed the petition and later came forward with sworn affidavits saying they believed

it was a "petition to open the Heights Firehouse."

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**BILL VINSKO
ASSISTANT WILKES-
BARRE SOLICITOR**

Heights section.

When told of the city's objection, Carey said there's no doubt both issues are intertwined.

She said having more say in how legislation is formed will allow residents, and not politi-

In recent months, some residents involved in the petition effort have been vocal in their displeasure with city officials about the closure of a fire station in the

cians, to decide whether to reopen the fire station.

"We'll get enough witnesses to say they did not sign under a false pretense. Everyone knew what they were signing," she said. "I want to see them (the city) try to prove that one."

In a specific incident, the objection claims the group attempted to "lure and induce" residents to sign at the July 8 Farmers Market "under misleading, if not outright false pretenses" while collecting signatures near a sign that read "WB Residents Sign Here For Our Fire Protection."

"Because of the concerns raised by some of the people who signed, and because of the legal concerns we have, rel-

ative to the Pennsylvania Constitution, we felt it was necessary to place our objection on the records," Vinsko said.

Carey said she was disappointed the city decided to object.

"Every time the people want to speak out, they (the city) want to go to court," she said.

However, she said she and others involved in the effort would "go to court happily" to stand by their point.

"I'm going to court. They probably want me to drop it, but I'm not going to," she said. "If we lose this, the whole city loses — the 1,200 people who believed we need this will lose."

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