

Struthers and residents eligible for group gas rate

The program includes a discount for senior citizens age 65 and older who are the primary owners of their residence.

STAFF REPORT

STRUTHERS — The city has entered into a contract with a natural-gas supplier, enabling the city and its residents to receive a fixed rate of \$9.766 per thousand cubic feet for a two-year period.

Effective Dec. 1, Direct Energy will serve as the community's preferred natural gas supplier. The rate will cover the January 2009 through December 2010 bill cycles. The rate excludes taxes and fees for services provided by the utility, officials said.

The program also includes an additional discount of 10 cents per thousand cubic feet off the initial commodity price for senior citizens age 65 and older who are the primary owners of their residence.

"With the weather cooling off, snow is not the only thing in the forecast," said Mayor Terry Stocker. "To protect the community from fluctuating energy prices, we are providing a stable rate through the Direct Energy program."

Stocker called the gas aggregation program a "golden opportunity to lock in rates for up to two years while the cost of gas is low." The mayor pushed at the Oct. 8

meeting of city council for passage of an ordinance that gave him the authority to enter into contract with Buckeye Energy Brokers. Buckeye, based in Twinsburg, represented the city in negotiations with Direct Energy.

Stocker said there is no financial risk to the city because Buckeye Energy's fee is paid by the gas vendor. Also, the mayor said residents can get the same rate as the city, but if they are satisfied with their current gas supplier, there is no requirement that they join the aggregate program.

Residents and small businesses in incorporated areas in Struthers are eligible to participate in the program, and will receive information via mail describing the offer the first week of November 2008. Those wishing to "opt-in," or senior citizens requesting the discount, must call Direct Energy toll-free at (866) 803-4618. Potential customers may also call that number for more information about the program.

Direct Energy encourages customers to enroll by Dec. 1, 2008, to ensure that they start the program with the January 2009 billing cycle. If consumers enroll after Dec. 1, 2008, they will be enrolled in the next billing cycle, officials said.

Those who enroll with Direct Energy's natural gas program will continue to be billed by the local gas utility. Direct Energy's charges will appear as a line item on the bill.

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McGuffey marks Founder's Day

One member of the McGuffey family took time to tell the children a story.

By HAROLD GWIN
VINDICATOR EDUCATION WRITER

YOUNGSTOWN — "The best friend you can have — when you're alone or with friends — is a book," said Harry Meshel, former state senator and a member of the McGuffey Historical Society.

A book will teach you something new every day of the year, and we owe that to William Holmes McGuffey, he told a couple hundred children at McGuffey Elementary School Tuesday.

It was Founder's Day at the school, named for the man who became known as "America's Schoolmaster" for his McGuffey Eclectic Readers, which served as Americans' main reading primer for decades after the first version was published in 1836.

McGuffey was raised in Coitsville and went on to fame as an educator and author of the Readers, some of which are still in use today.

The city school district renamed its West Elementary School after McGuffey this year, and the historical society has "adopted" the school.

Shelley Murray, president of the city school board, thanked the society for what it is doing, telling the children that society members will be helping them with their reading.

Some members of the society,



The Vindicator/Lisa-Ann Ishihara

STORY TIME: Shirley Eckley, of Hubbard, a retired Youngstown teacher and a great-great-great-niece of William Holmes McGuffey, is surrounded by pupils during the Founder's Day assembly at McGuffey Elementary School in Youngstown. McGuffey was raised in Coitsville and became known as "America's Schoolmaster" for his McGuffey Eclectic Readers, which served as American's main reading primer for decades.

who also serve as storytellers, will be visiting McGuffey classrooms periodically throughout the year to read stories to the children from the McGuffey Readers, said Richard Scarsella, society president and a teacher at Chaney High School.

Shirley Eckley, of Hubbard, a retired Youngstown teacher and a great-great-great-niece of William Holmes McGuffey, said the fam-

ily is very proud to have the school named in his honor.

He began gathering neighborhood children on his porch to tell them stories when he lived in Oxford, Ohio, and used what he learned to create the McGuffey Readers, she said.

Eckley said she is one of the society's storytellers, a group calling itself, "The Front Porch Storytellers," and launched into a story about a lone-

ly puffin (a type of sea bird) that involved a lot of audience participation.

The Founder's Day assembly ended with the children serenading another McGuffey descendant, Helen Owen of New Wilmington, with their version of "Happy Birthday." Owen celebrated her 98th birthday Saturday.

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Two killers sentenced in separate slayings

One killing was related to robbery; the other involved a feud.

STAFF REPORT

WARREN — The defendant in one of two homicides during summer of 2007 in the North Park Avenue area of Warren has been sentenced to 20 years in prison.

Steven D. Brown, 30, of Aris Street Northwest, pleaded guilty in March in Trumbull County Common Pleas Court to killing Johnny Williamson, 24, in Williamson's 1535 North

Park Ave. home Aug. 23, 2007.

Brown was convicted on charges of involuntary manslaughter, aggravated robbery, aggravated burglary, being a felon in possession of a firearm and tampering with evidence.

Chris Becker, an assistant county prosecutor, recommended Brown get 18 years in prison, but Judge Peter Kontos gave him 20 years.

Williamson apparently knew Brown and allowed him into his home during the daylight killing, Becker said. Brown probably used Williamson's gun to kill him, Becker said.

But other than that, the circumstances surrounding the killing are not determined, Becker said.

Both men had been to prison. Williamson's conviction was drug-related, Becker added.

The robbery and burglary charges were filed because Brown had Williamson's X-Box game system in his possession when he was captured later in Hermitage, Pa., Becker said.

If Brown had been convicted of shooting at the bar occurred because Daniel, Sellers and others were feuding over a robbery committed against Sellers about a year before Daniel's death.

In the other North Park slaying, Mario Q. Sellers, 24, of Austin Ave-

nue Southwest in Warren, was sentenced to 10 years in prison in July for killing Joseph D. Daniel, 33, of Palmyra Road Southwest, outside Benji Brown's Bar and Grill July 29, 2007.

Benji Brown's Bar is less than a half-mile north of the home where Williamson died on the north end of Warren.

Becker said that the 2:13 a.m. shooting at the bar occurred because Daniel, Sellers and others were feuding over a robbery committed against Sellers about a year before Daniel's death.

YURTS

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but had to settle for Pymatuning State Park in Ashtabula County because nothing similar was available in Trumbull County.

On Tuesday, Polivka and Trish Nuskiewicz of the county's planning commission gave local legislators a presentation on the concept to see whether they can help with funding.

Polivka said it would take between \$300,000 and \$500,000 to convert 10 campsites to cabin sites and add a second shower house.

An official at the Mosquito campground said there are enough vacancies among the 214 sites there to allow some to be converted to cabins.

Converting sites would be less expensive than building the cabins outside the park, Polivka said.

Brent Culver, group manager for planning and development for the Ohio Department of Natural Resources, said he views the proposal as "reasonable" because of its use of existing facilities.

The response Polivka got from state Sen. Capri Cafaro of Hubbard, D-32nd, was that she would want to know more about the occupancy rates of the cabins at the Pymatuning State Park in Andover, about 25 miles northeast of Mosquito Lake, before committing to such a project for the next budget in 2010.

Ashtabula County is also in Cafaro's legislative district.

The proposal follows an attempt — now on hold — to secure funding for a lodge on the east side of Mosquito Lake.

Cafaro said she likes the yurt idea, however.

"I'm definitely pro-yurt. Yurts are great," she said.

Pymatuning offers three yurts, 27 deluxe cabins and 30 standard cabins at a price of between \$65 and \$90 per night.

Barb Ewing, a staffer with U.S. Rep. Tim Ryan of Niles, D-17th, said it's possible that federal money would be available for the project in the next appropriations process that begins in December or January. She said local officials should get back in touch with her around that time.

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Judge denies motion to stop government-study commission

STAFF REPORT

NEW CASTLE, Pa. — A common pleas judge has denied a motion to stop the Lawrence County Government Study Commission from meeting.

Senior Visiting Judge Michael Wherry heard arguments from Richard Audino for the motion Sept. 25 in Lawrence County Common Pleas Court. Audino, a retired attorney, pleaded his own case.

Audino is also on the 11-member study commission, which was approved by voters last November to study whether to recommend a new form of government for the county. He has decided that the county does not need to change its present three-commissioner form of government, and he made a motion July 2 at a commission meeting to stop the study. His motion passed 6-5.

But one of the members later changed his mind and the panel voted July 24 to continue studying a council-manager form of government.

Audino has been trying to argue that the July 24 vote was improper, at first because it resulted from a conspiracy — the member who changed his mind, Dwayne Evans, called the panel's chairman to ask what to do — and because the second vote didn't properly follow the meeting guidelines according to Robert's Rules of Order.

After the hearing Sept. 25, Judge Wherry told the courtroom that no matter what his ruling on the preliminary injunction to stop the meetings, Audino's complaint would still be heard by the court.

Judge Wherry issued his decision Oct. 16.

The judge said that a preliminary injunction is issued if an action would result in immediate and irreparable harm, and that is not the case with the study commission.

Judge Wherry also said that any monetary loss incurred by the county would not be of such a magnitude that it couldn't be recovered if Audino is successful with his suit.

Phillips to take over during sheriff's absence

STAFF REPORT

WARREN — Technically, there will be a new sheriff in town starting today.

Trumbull County Sheriff Thomas Altieri will be traveling to Florida this week to bring home his son, Michael Altieri, 23, from his military post in West Palm Beach, Fla.

Michael, a Marine, served seven months of active duty in Iraq, the sheriff said, and he handles military funerals for Marines from South Florida.

The sheriff's trip will take two weeks, and by law an acting sheriff

must be appointed when a sheriff is outside the county for a specified amount of time, Altieri said.

Maj. James Phillips will take command today through Nov. 6.

Altieri said he will remain on the job throughout the two weeks and will remain in contact with his staff by cell phone. This is the longest break from Trumbull County that Altieri has taken during his 16 years in office, he said.

Among the duties requiring a replacement is the signing of deeds for properties being foreclosed on, the sheriff said.

they make to one another.

"It brings the kids a lot of joy, and they get so excited beforehand," she said. "They love watching [the flowers] grow."

Vasko said her class likes to walk by the courtyard and look out the large windows that allow them to see the flowers' progress.

Third-grade teacher Charlene Hay said the planting exercise helps reinforce the lessons she teaches in her social studies class.

"It teaches them how to plant, but it's also about the community," she said. "They learn how it's important to take care of their community."

The courtyard where many of the tulips were planted is an area Principal Mike Masucci said his student body is familiar with.

"We've had the area for about six years, and we've planted Mother's Day flowers and vegetable gardens and conducted science experiments," he said. "You name it. If it has to do with seeds or plants, the kids will try it."

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DEMOLITION

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was supposed to start Monday, the one-day delay hasn't hindered the plans of the Youngstown Central Area Community Improvement Corp.

"Everything is on schedule and on budget," said Lynn-Marie Popa, the CIC's facilities supervisor.

The demolition of the State and Armed Forces buildings is part of a greater plan for West Federal being implemented by the CIC.

The two structures, between the Wells Building and the John R. Davis Building, will eventually become a tech building as an expansion to the Tech Block. During the limbo period, the vacant property will be transformed into temporary green space and a parking lot, said Popa.

The Tech Block is a multimillion-dollar project aiming to create a section of West Federal that can act as the future home for thriving

technology companies.

Some people have voiced the opinion that the CIC shouldn't be tearing down a piece of Youngstown history, but the CIC focuses on improving downtown, said Popa.

"I understand it's history, but it's history that couldn't be saved," she said.

The building's innards have fallen over the years and couldn't be salvaged, but part of the history will be spared.

The facade of the State will stay standing as well as a 20-foot section inside the front of the building.

As plans move forward, the CIC will look to incorporate and restore the facade as part of the Tech Block construction.

The Temple Building is also part of the Tech Block project and is now being remediated for its future as a high-tech facility, similar to the Taft facility and the Youngstown Business Incubator.

"The demands are huge for these kinds of facilities. It's unbelievable, with the economy," said Popa.

Demolition completion is scheduled for Dec. 15.

VICTIM

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conviction.

Judge Timothy E. Franken of Mahoning County Common Pleas Court ruled in September that the two cases were too different to be admissible as evidence and that introduction of the Boardman case would be too prejudicial to the jury in the murder case.

"I felt it was a strong circumstantial case, so I never understood why [Van Brocklin] wouldn't take it on," Blanchard, now fiscal officer and fleet manager for the Youngstown Police Department, said of the Tenney case.

The break in the case came when the Ohio attorney general's office and Youngstown Police Department teamed up in 2007 to resubmit evidence to the Ohio Bureau of Criminal Identification and Investigation lab to see whether DNA could be used to reopen any cold cases.

The Tenney case was an obvious choice, said Kenneth Centorame, the department's chief of detectives.

BCI found that Adams' DNA was on Tenney's body when it was found in the Mahoning River.

Van Brocklin, now an attorney in private practice, stands by his judgment in the Tenney case and adds that Ohio law regarding cir-

cumstantial evidence has changed since 1986 to the point that jurors are now advised differently on the validity of circumstantial evidence than they were then.

Coincidentally, Adams' defense team filed a motion Monday asking that the laws regarding circumstantial evidence in effect in 1985 be used in deliberations by the Adams jury.

The defense attorneys asked Franken to instruct the jurors that they should conclude that Adams must be acquitted of any offense proved only with circumstantial evidence if there is a reasonable explanation for that evidence that does not involve Adams.

But the judge did not give the jurors that instruction.

Franken gave the jury current instructions, not 1985 instructions, concerning circumstantial evidence. The current instruction the judge gave the jurors states that circumstantial and direct evidence are to be given equal weight. The equal-weight rule was not in effect in 1985.

A favorite explanation judges give jurors is that a witness who said he saw someone eat a cherry pie would be offering direct evidence.

A witness, however, who saw someone with pie filling over his face and holding an empty pie pan would be offering circumstantial evidence that the holder of the empty pan ate the pie.



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