FALL, 2013

Lakewatch

A Publication of Seneca Lake Pure Waters Association, Inc. Serving the Seneca Lake Watershed Region

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IN THIS ISSUE!

- PRESIDENTS MESSAGE 1
- REGIONAL MONITORING PROGRAM 2-3
- IMPACT OF FRACKING WASTES 4
- MEMBERSHIP 5
- GAS STORAGE 6-7
- DOCK PLATES 8
- ANNUAL MEETING PHOTOS 9
- LAWSUIT UPDATE 10
- GAS DRILLING 11
- ANNUAL FUND ACKNOWLEDGEMENTS 12

Dear SLPWA Member,

If you have been watching what is happening around our beloved lake, you know that its beauty and quality are being challenged in numerous ways. Seneca Lake Pure Waters Association (SLPWA) is the organization that has as its mission – to be the voice of our lake. Whether it is the concern over whether New York State will permit hydrofracking, and how that would impact our lake, or the project to store explosive natural gas and LPG in salt caverns of questionable stability under the lake, the continual deterioration of water quality due to a variety of factors, or other concerns – SLPWA is at the fore, gathering the scientific facts, educating the public, and advocating for the lake.

With the stunning beauty of the Finger Lakes region, especially during the summer and in the colorful autumn season it is easy to overlook the problems that challenge the long-term beauty and health of our once pristine, Seneca Lake. We must be vigilant and active now to improve and preserve this wonderful water resource for ourselves and for future generations. Your help in doing this is essential. We need your active personal and continuing financial support.

SLPWA is working to assure that accurate information is available to the public on hydrofracking and recently filed a lawsuit to obtain information on health impacts on which New York State will base its decision to allow fracking. SLPWA is embarking on a new program to monitor streams flowing into the Lake. We will begin with three pilot streams. (Read about the details about the lawsuit and the stream monitoring in this newsletter.)

These projects, designed to protect lake quality, will need to be funded on an ongoing basis – efforts which ultimately cannot be sustained on memberships alone.

Your decision to make year-end donation to support these endeavors will be a giant step towards improving and preserving our beautiful lake for ourselves and for generations to come. If you have already made your donation, we thank you! You may also donate on-line at our link on NY Charities.org.

We thank you for your generous support and we wish you a warm and peaceful holiday season.

Sincerely,
MaryAnne Kowalski, President

Regionally Speaking:

Monitoring Program for Selected Seneca Lake Tributaries

Mary Anne Kowalski

Edwin P. Przybylowicz, Ph.D.

The limnology of Seneca Lake is changing in a direction that does not bode well for its future quality if present trends continue without mitigation. Increases in agricultural activity in the large Seneca Lake watershed, anecdotal evidence from residents who live on or use the lake for recreational purposes, scientific studies of the lake by Finger Lakes Institute and other academic institutions, the characterization of the watershed in the Seneca Lake Watershed Management Plan and the potential of new environmental incursions from shale gas recovery and storage in the watershed all have raised recent concerns about the quality of Seneca Lake waters today and into the future.

The Seneca Lake Pure Waters Association (SLPWA) in its mission of "enhancing and preserving the quality of Seneca Lake" intends to address and potentially change the present trend by identifying point and non-point sources of nutrients and hazardous substances entering the lake as well as supporting the mitigation efforts. These data will also create a baseline for potential future incursions on the watershed.

In 2014, with grant support from the Tripp Foundation (Elmira, NY) and Freshwater Future (Petoskey, MI), SLPWA will begin a pilot program on Seneca Lake for monitoring the groundwater input into Seneca Lake in order to identify major sources of nutrient and hazardous chemical inputs into the lake.

In collaboration with the Community Science Institute (CSI) of Ithaca, NY, a NYS-certified environmental laboratory, the pilot program proposed for Seneca Lake will uniquely focus on the issues that affect Seneca Lake. In cooperation with CSI this effort will benefit from their experience in similar volunteer-based sample collection programs in the Southern Tier and the Finger Lakes.

Seneca Lake Issues

The water quality of Seneca Lake can be impacted by several major input sources: (1) nutrients from agricultural, residential and wastewater treatment sources that input effluents into the lake; (2) hazardous chemicals that enter the lake from groundwater streams that drain contaminated soils, such as those from the former Seneca Army Depot; (3) wastewater treatment facilities that may choose to accept leachates from landfills and wastewater from natural gas drilling operations.

Analytical studies over the past several decades by FLI have noted that the productivity of Seneca Lake, that is its ability to produce plant and algae growth, is increasing as a result of increasing phosphate and nitrogen content of the lake.

Hazardous chemical studies of the lake have been more limited and are less useful for purposes of mitigation because of the huge dilution factor that the lake provides due to its size. While such dilution can help reduce any hazardous chemical input to below levels established for such materials in groundwater, the downside is that it serves to temporarily hide problems, which left untended can reach proportions impossible to address in a lake the size and volume of Seneca.

This suggests that a better course of action is to analyze and monitor stream input into the lake and on the basis of such data, organize corrective action.

(Continued on Page 3)

Monitoring Program *(continued from page 2)*

Pilot Monitoring Program

To initiate a monitoring program for Seneca Lake, SLPWA will focus this first stage of a collaborative program with CSI on three input streams into Seneca Lake: (1) Catherine Creek, (2) Big Stream, and (3) Reeder Creek.

The pilot program will involve the recruitment and training of volunteers near each of these streams in water sampling techniques and the establishment of procedures not only for sampling, but also delivery of the samples to the CSI laboratories in Ithaca, NY for analysis. CSI will take responsibility for the analytical work both in its own laboratories and other NYS and EPA certified laboratories. As results become available, they will be posted on-line as part of the CSI database on other watersheds (http://www.communityscience.org/database/).

Choice of Initial Target Streams

Catherine Creek - After the Keuka Lake Outlet which is the largest single flow into Seneca Lake, Catherine Creek represents the next largest input into Seneca Lake based on water flow calculations carried out by the Finger Lakes Institute. In terms of annual nutrient input into Seneca Lake, Catherine Creek is a major contributor although it is approximately 1/4 that of the Keuka Outlet. Catherine Creek drains a large agricultural area and also has waste treatment facilities located on it.

Big Stream - This stream is one that carries a high nutrient content both as a result of agricultural activity in its drainage system, as well as the Village of Dundee waste treatment facility which in earlier analyses has shown a high nutrient input into the stream. While the flux of water in this stream is normally rather low, it provides an example of mixed nutrient sources and high incident input (storm runoff) into Seneca Lake.

Reeder Creek - In addition to having a high nutrient concentration, this sub-watershed system includes the Seneca Depot which is a potential source of hazardous ground contaminants. This site has been a Superfund cleanup site for a number of years. To our knowledge the ground water emerging from this site and into the lake has not been monitored since the cleanup was completed several years ago.

The pilot program will include a total of 4 sampling events for each stream over the span of one year and multiple locations of each which would provide a seasonal profile of the streams.

The menu of tests for all sites would include nutrient analyses as well as base analyses that would be useful if these drainage areas are impacted in the future by high volume hydraulic fracturing of shale deposits to exploit natural gas in these sub-watersheds.

The Reeder Creek site will include additional analyses to monitor for hazardous materials such as arsenic, beryllium, copper, lead, polycyclic aromatic hydrocarbons (PAH), and trichloroethylene (TCE) which were found directly in the soils and groundwater within the Seneca Depot at the time that the Superfund cleanup work was began.

If you live in one of the selected sub-watersheds for this pilot program or are interested in more information, supporting or volunteering for this project, please contact SLPWA at SLPWA@senecalake.org or visit our website at www.senecalake.org.

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seneca lake
pure waters association inc.

ALUMINUM .063 REFLECTIVE PLATE
15"L X 5"W with screw holes, - ready for mounting
4" Die Cut Numbers
LOGO is in "SLPWA Blue" Color on Reflective White Background

$28.25 if mailed + $1.00 per number

Name_____

Street_____Town_____Zip_____

___# of Dock Plates ($28.25) ___# of Numbers ($1.00 each): ___ ___ ___ ___ ___
Fill in desired numbers (1 per line)

TOTAL_____

Make check out to SLPWA and mail with order form to PO BOX 247, Geneva, NY 14456.

Questions? Email SLPWA at slpwa@senecalake.org

All orders for Christmas must be received by December 12th.

GREAT GIFT IDEA!

Studies of Environmental Impact of Fracking Wastes in Pennsylvania and the Implications for New York State

Ed Przybylowicz

In a variety of ways, New York State continues to participate in high volume hydraulic fracturing (HVHF) despite the fact that such drilling is not presently allowed in New York State. This participation includes selling water for fracking from aquifers in New York State (Painted Post), accepting fracking waste water through 3rd party suppliers and spreading it on county roads in the Southern Tier to melt ice and snow (Beneficial Use Determinations (BUD) issued by the NYSDEC), accepting drilling wastes in some landfills in New York State.

Duke University scientists continue their study of the environmental impact of HVHF, particularly in Pennsylvania. Elevated levels of radioactivity, salts and metals have been found in river water and sediments at a site where treated water from oil and gas operations is discharged into a western Pennsylvania creek.

Radium levels were about 200 times greater in sediment samples collected where the Josephine Brine Treatment Facility discharges its treated wastewater into Blacklick Creek than in sediment samples collected just upstream of the plant. The new Duke study examined the quality of shale gas wastewater from hydraulic fracturing and the stream water above and below the disposal site. The study found that some of the discharged effluent is derived from the Marcellus shale gas flowback water, which is naturally high in salinity and radioactivity.

The Duke team published their findings Oct. 2, 2013 in the peer-reviewed journal, *Environmental Science and Technology.* New York State practices in accepting wastes from other states which ultimately end up contaminating our soil and groundwater should be stopped. The proper handling of such wastes is costly and not completely understood and controlled. At the present time this ends up being hidden from view but in the long term such wastes end up contaminating our lakes and their cleanup will be a burden on New York State taxpayers.

REFERENCE LINKS TO THE ABOVE ARTICLE CAN BE FOUND ON SLPWA'S WEBSITE: www.senecalake.org

Many thanks to the follow businesses who supported our
Annual Dinner event in September with gift items for our silent auction and raffle:

The Belhurst
Jerlandos
True Love Schooner
Pat Marjama
Starkeys Lookout
Mark Stash
Finger Lakes Times
Atwater Vineyards
Stivers Seneca Marina
Shalestone Vineyards
Michaele Boncaro Photography
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Seneca Lake Wine Trail
Dundee Observer
Sommerville Pottery
Peach Orchards

Danos
Geneva Bicycle Center
Hazlitts 1852 Vineyards
Stonecat
Dan Nissen
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Fran Bliek
Sunrise Landing B & B
Mackenzie –Childs
Life in the Finger Lakes
Stomping Grounds
CS Burrall Insurance
Jeff Adams Editions
Studio Salon
Fox Run Vineyards

Gas Storage in Salt Caverns – *Ed Przybylowicz*

The saga of the proposal to store gas in old salt caverns in the Reading-Watkins Glen area continued these past few months with further disturbing factual revelations. Now going into its 5th year, the proposal by an out -of-state company to create a northeastern US storage and distribution hub for liquefied petroleum gas (LPG) by using abandoned salt caverns has yet to get a decision from the NYS Department of Environmental Conservation (NYSDEC). Business groups and individual residents residing in the surrounding area have vigorously opposed this project on environmental and business grounds. On three separate occasions, SLPWA raised serious concerns with the NYSDEC about proceeding with a project that has many major unanswered scientific questions and conflicting information. In addition, we wrote to Governor Cuomo about the lack of good scientific data supporting this permit application.

The risk associated with storing huge quantities of LPG and other hazardous gases in a location that is already a "traffic bottleneck" for a major tourism and recreational area (the intersection of State Highway 14 and 14A as well as the Village of Watkins Glen), should drive the relocation of this proposed distribution hub to a less risky location. Storage of hazardous gases such as LPG should be done in stable, remote, isolated areas to protect people and environment from possible explosions or collapse of such caverns which have occurred with some frequency in other similar storage facilities elsewhere. All risks governing such storage must be transparent, understood, and controllable and not dismissed with the excuse that such information is "proprietary".

SLPWA has again reviewed the facts for this proposal, and additional disturbing information has been revealed. As far as we can determine the location for this proposed project is a low-cost choice for the energy company that is located in Kansas ... it utilizes readily available salt caverns and is in the right place for their business in the northeast U.S. The hazards associated with this location have not been adequately considered or they have been "glossed over" by the NYSDEC that is under pressure to stimulate business in NY and has been known to favorably support development in the state by the oil and gas industry.

The official permit applicant, Finger Lakes LPG Storage, LLC (subsidiary of Inergy, LP of Kansas City which has recently been merged with Crestwood Midstream Partners) proposes to construct and operate a new underground LPG storage facility for the storage and distribution of propane and butane on a portion of a 576 acre site located on NYS Routes 14 and 14A west of Seneca Lake in the Town of Reading. The storage facility will utilize existing caverns in the Syracuse salt formation created by US Salt and its predecessors' salt production operations. As proposed, a maximum of 2.10 million barrels (88.20 million gallons) of LPG will be stored in these caverns seasonally, displacing some of the brine currently filling them, and will be withdrawn by displacement of propane by brine when demand occurs during the heating season and displacement of butane by brine during the gasoline blending season. During storage operations, the brine displaced by LPG will be stored and contained in a 14-acre double-lined surface impoundment with a capacity of 2.19 million barrels (91.98 million gallons) on property east of the junction of Routes 14 and 14A. The facility will connect to the existing TEPPCO LPG interstate pipeline, and will ship LPG by truck via NYS Routes 14/14A and rail via the existing Norfolk & Southern Railroad. As proposed, the project involves construction of a new rail and truck LPG transfer facility, consisting of a 6 rail siding capable of allowing loading/unloading of 24 rail cars within 12 hours, and a truck loading station capable of loading 4 trucks per hour. The rail/truck loading facility is capable of being operated on a 24-hour basis 365 days a year. Construction will also include surface works consisting of truck and rail loading terminals, LPG storage tanks, offices and other distribution facilities, and storm water control structures. The infrastructure for this facility will include additional compressor stations and piping which will further industrialize the area bordering Seneca Lake at the intersection of NYS Routes 14/14A.

(Continued on page 7)

Gas Storage in Salt Caverns *(continued)*

The extent and history of this proposed industrialization was summarized in an article dated January 7, 2013 by investigative reporter Peter Mantius in which he also included geological evidence that a well proposed for this storage showed evidence of roof collapse in 2001. Inergy LP responded quickly to this public information by having the geologist who is a consultant for them, reverse his 10+ year-earlier judgments in a letter (apparently drafted by Inergy) indicating that the 2001 statements he made were in error.

A recent article by Peter Mantius discusses attempts of geologists and the public to get information about the geology underpinning this project, only to be rejected in their attempts to gain open access to such information by the NYSDEC because the company considered such information "proprietary". This seems like an incredible judgment to which the NYSDEC has apparently acquiesced. The very agency charged with the protection of the environment is refusing to share geologic information about the fault structure of the area proposed for gas storage with the public who will be affected. An explosion in Hutchinson, Kansas, January 17, 2001 was judged to be caused by leakage of gas along geologic faults and was investigated after the fact by the University of Kansas and the Kansas Geological Survey with a report entitled, "Unraveling a Geologic Mystery". Do we want to risk a repeat of that disaster in the Watkins Glen area? Since when is the land we walk on proprietary?

According to Mantius, an eminent geologist from Texas advising a citizen's group opposing this project commented, "This is amazing … in Texas ... the outcome of environmental matters such as these do not always work out as we would like, but at least we know about what is happening. The information is public. Redaction is not what I expected from New York." Further, emeritus professor of geology from SUNY Geneseo, Richard Young noted "As a result of long-term neglect, the state of New York has one of the most inadequate and outdated collections of marginally useful geologic information of all 50 states." Young's reaction to the New York State Geological Survey letter endorsing Inergy's plan: "Such dismissive letters, in the face of documentation to the contrary, are a cop-out and frankly an embarrassment to the professional geologic community."

In SLPWA's judgment, there is much evidence that the project to storage gas in the abandoned salt caverns at the southern end of Seneca Lake is ill-conceived, poorly planned and is potentially hazardous from a safety and environmental standpoint. It should be stopped at all cost despite the apparent collusion which is occurring at the state agency level. Citizens concerned with the future well-being of Seneca Lake and its watershed should vigorously opposed this project and see to it that it is not approved.

REFERENCE LINKS CAN BE FOUND ON SLPWA'S WEBSITE: www.senecalake.org

Is Your Email Updated?

Do we have your email address?
Periodically we send out an email blast to alert our members of breaking news or upcoming events.

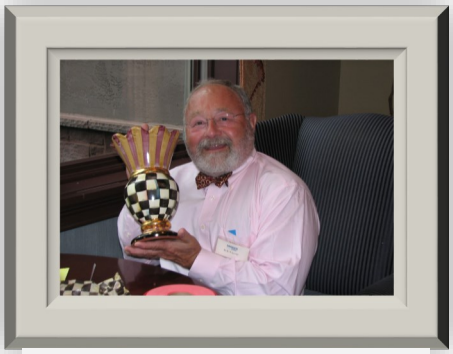
Please make sure your current email address is filled in on your member renewal form when you return it!

SLPWA'S BOARD OF DIRECTORS WISHES ALL OF OUR MEMBERS AND FAMILIES A WARM AND WONDERFUL HOLIDAY SEASON!

HIGHLIGHTS OF SLPWA'S ANNUAL DINNER MEETING SEPTEMBER 12, 2013 @ THE BELHURST

Board Member John Flowers checks out the wonderful gift items donated by local businesses

SLPWA President, Mary Anne Kowalski makes opening remarks at the Annual Meeting Dinner event



Bob Kayser keeps a close eye on the fabulous vase to be raffled and donated by MacKenzie-Childs

SLPWA members Rob Kriss and Rachel Treichler enjoy a light moment during the cocktail hour before the dinner meeting

President Kowalski presents a "Friend of Seneca Lake Award" to Peter Mantius, an investigative reporter who has written extensively about the hydrofracking industry and its impact on the Finger Lakes

President Kowalski presents a "Friend of Seneca Lake" award to the Finger Lakes Times and Finger Lake Times reporter Dave Shaw (pictured)

Guest Speaker Ben Wright with SLPWA Board members Addie Mason and Bob Kayser

Spring Membership Drive – Your Help Is Needed!

You already know the important work SLPWA is doing. Increasing our membership allows us to expand that work and add to the voices of those who speak for the Lake. In our spring newsletter, we will be announcing a contest to recruit new members! SLPWA members will be asked to recruit additional members who share their love and concern for Seneca lake. For every new membership, members will be entered into a raffle for gifts donated by our business supporters. Watch for more information in the Spring LAKEWATCH newsletter.

GIVE A GIFT THAT HELPS SENECA LAKE!

Stuck on what to give Uncle Fred or Aunt Alice?
How about a gift membership to Seneca Lake Pure Waters?
We will send an acknowledgment of your gift to the recipicent.
No shipping costs or wrapping needed!

	ONE YEAR	TWO YEAR (10% savings)
Individual	$30.00	$54.00
Family/Household	$50.00	$90.00
Seneca Supporter	$75.00	$135.00
Personal Patron	$150.00	$270.00
Senior/Student	$25.00	$45.00
Gift		
TOTAL ENCLOSED		

Name of Gift Recipient Membership_____

Address_____City_____State_____Zip_____

Email_____

Contributions are tax deductible, charitable donations to the extent allowed by law.
Make checks payable to: **SLPWA or Seneca Lake Pure Waters Association, Inc**.
Mail to SLPWA, PO Box 247, Geneva, NY 14456

Lawsuit Against New York State for Information Under the Freedom of Information Law (FOIL) –

Mary Anne Kowalski

On September 12, 2013, the Seneca Lake Pure Waters Association filed an action, pursuant to Article 78, to compel disclosure by the New York State Department of Health of documents related to Department's review of the health impacts of hydraulic fracturing. SLPWA seeks the documents pursuant to a Freedom of Information Law request.

The Freedom of Information Law (FOIL) allows persons who have received a denial of access to documents to commence a proceeding pursuant to Article 78 of the Civil Practice Law and Rules (CPLR). Article 78 is the section of the CPLR that establishes the procedure for challenging the determinations of government administrative agencies, public bodies or officers.

SLPWA filed a FOIL request with the DOH on November 25, 2012, seeking records relating the public health impacts of hydraulic fracturing of the Marcellus and Utica shales. SLPWA sought these records to ascertain what factual information was being collected and reviewed by DOH and the instructions given to DOH staff regarding the DOH health impact study of hydraulic fracturing announced by the Commissioner of Environmental Conservation.

This health impact assessment has great public significance, and SLPWA seeks more information about the factual materials being reviewed by DOH than has been made publicly available.

In SLPWA's judgment, denial of factual data is not allowed under the law, so the board proceeded to file a lawsuit to make such information public. The lack of transparency by the State of New York on the health issue is alarming; given the Governor's repeated statements that decisions related to high volume hydraulic fracturing (HVHF) of shale deposits in New York State would be based on scientific facts. The health and environment of New York State residents is the primary issue in this decision, so factual information on the impact that HVHF could have on the State should be discussed and debated and available for public view.

SLPWA has agreed with the State Attorney General's request for an adjournment of a hearing on the filing until December 2013. The State's written response on SLPWA's action is due on December 6, 2013. The first hearing with the judge will be December 20, 2013.

The state's response will be posted on the SLPWA website www.senecalake.org and on http://treichlerlawoffice.com/ when it becomes available. SLPWA's board appreciates the assistance of Rachel Treichler, an environmental lawyer from Hammondsport, who is representing our association in the case. Ms. Treichler publishes a blog, "New York Water Law" covering legal developments relating to water in New York, http://nywaterlaw.com/

Annual Meeting

We held our Annual Meeting and election of board members on September 12, 2013. Our guest speaker, Ben Wright, spoke about climate change and it potential impacts on Seneca Lake. The attendance was the highest in many years and we had very positive comments from attendees. Donations of items were received by dozens of area businesses. See pictures of the event in this newsletter.

Gas Drilling Potential in New York State

Gary Judson

On October 30th, a panel presentation at Cornell, moderated by Professor Tony Ingraffea presented an analysis of public production records on gas wells throughout Pennsylvania as well as test wells in the Southern Tier of New York State. This panel concluded that the commercial yield of gas from many of the wells the Marcellus Shale in this region has been disappointing.

The panel, made up of James Northrup (Oil And Gas Investor and Former Planning Manager at Atlantic Richfield - retired); Brian Brock (Geologist - retired), Jerry Acton (Systems Engineer, Lockeed Martin – retired) and Lou Allstadt (Executive VP for Exploration and Production, Mobil Oil - retired) all agreed that there would be little or no drilling for natural gas in NYS because the depth and thickness of the Marcellus shale in this area makes it a poor financial investment and many of the major players have already moved on. However, it remains a concern that small "wildcat" drillers, who are more likely to do things "on the cheap" and ignore State Regulations, might still pursue such drilling. These types of drillers pose a real danger in the future without very strict enforceable regulations or an outright ban.

Because of the lack of state regulations regarding the disposal of fracking waste, NYS is likely to become a dumping ground for such waste from other states, i.e., radioactive-bearing brine spread on our rural roads, drill cuttings filling our landfills, and sludge contaminating our waste treatment facilities. Pennsylvania is already having a hard time disposing of all its waste and has been shipping it into our state for the last few years.

Many states already have regulations to keep other states from dumping fracking waste in their state. New York State needs to establish regulations to prevent wastes from fracking from coming into the state for disposal in our waste treatment facilities as well as landfills. Moreover, such regulations need to insure that such wastes, if generated within New York State are treated and disposed of in an environmentally responsible manner. The present proposed regulations do not address this need.

Complete videos of all the presentations can be found either through our website at:
http://www.senecalake.org/Marcellus.html or on YouTube at:
http://www.youtube.com/playlist?list=PLJ4sBXNT-ETp0aZilXGWBikMJgNoTeW2K

Scenes around Seneca Lake...do you have a favorite pic? Sent it to us at slpwa@senecalake.org to post on our website!

seneca lake
pure waters association inc.

SLPWA MISSION:

Enhance and Preserve the Quality of Seneca Lake

Seneca Lake Pure Waters Association will further its mission through efforts to:

- *Promote the understanding, preservation and improvement of the water quality, natural habitat and general environmental conditions of Seneca Lake and its watershed;*
- *Sponsor scientific research of the watershed to establish baseline data and monitor changes;*
- *Collect, preserve, publish and disseminate information concerning Seneca Lake and its watershed;*
- *Encourage and support the compliance with laws and regulations;*
- *Collaborate with like-minded organizations; and*
- *Promote patterns of development and technology to further our mission.*

Seneca Lake Pure Waters Association
P.O. Box 247
Geneva, NY 14456

ANNUAL FUND ACKNOWLEDGEMENTS

We are grateful for all of the recent donors for the 2013 Annual Fund drive.

IN HONOR OF:

- Howard Kimball by Henry & Lynda Kimball
- Ed & Bobbi Przybylowicz's 80th birthdays by MaryAnne Kowalski

IN MEMORY OF:

- Murray H. Bennett by Jim Bennett
- Daniel N. Acquilano by Ron Acquilano
- Monty Stamp by Lakewood Vineyards
- Frederick M. Hunt by Marjorie Hunt
- George & Kay Smith by Kathleen & Tom Smith-Zaremba