

IDE

CARS

VN - Delays in applications at North County got Friday government rebate for inefficient story, page 2.

TE 98

To ease public the proposed "highway" from Rouses Point a new name: See story,

ALL

ys in Toronto trading. See

**IND
IN**

Helpers

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50 CENTS

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SATURDAY AUGUST 1, 2009

Village Asbestos Probed NYC Law Firm Retained By Family Of Deceased Worker

By LARRY ROBINSON

POTSDAM - A New York City law firm that specializes in cases involving asbestos and mesothelioma is investigating whether an old boiler and asbestos wrapped pipes were properly removed from the Potsdam Civic Center in 1999 and in the year 2000.

Joseph W. Belluck, a partner in the law firm of Belluck and Fox LLP, 546 5th Avenue, NYC, is representing the family of Sharon M. LaDuke, a long-time village employee who died of mesothelioma recently.

In a 54-page lawsuit filed in State Supreme Court, Belluck and Fox name 68 defendants they allege are responsible for the death of Ms. LaDuke, who died of mesothelioma, a rare form of cancer linked to

asbestos inhalation.

Among the companies named in the suit are Cleaver-Brooks Company, a boiler manufacturing firm headquartered in Wisconsin.

The suit does not name the village of Potsdam specifically, but Mr. Belluck said he expects the village to be named in the future.

"I would suspect that the village will be brought into this in one fashion or the other," Mr. Belluck said. "I would suspect that the village will become a party to the case."

He said his firm is investigating possible ways that Ms. LaDuke could have been exposed to asbestos fibers including through her father's job at Alcoa in Massena, and at her place of work at the

Potsdam Civic Center.

In particular he said there is evidence suggesting past asbestos abatement and removal at the civic center may not have been performed properly.

"We are also investigating very seriously what took place at the village there," Mr. Belluck explained. "We have obtained some documents that seem to indicate the removal of a boiler and some pipes. They may not have been removed with appropriate health and safety procedures."

According to information provided by village officials, a new Cleaver Brooks boiler was installed in the civic center in 1977. Cleaver Brooks, which in the past also did business under the name of Aqua Chem, has been at the

center of asbestos-related lawsuits across the country for years.

However, Potsdam Village Trustee Steven W. Yurgartis said he does not believe the unit installed at the civic center in 1977 contained asbestos.

"A service technician from JW Stevens, the company who sold the boiler originally, when contacted by phone, thought that none of the boiler parts used asbestos," Mr. Yurgartis said.

He also pointed out that in 1999 asbestos insulation in several downstairs locations, including the boiler room, was removed and in 2000 the old boiler itself was taken out by village work crews.

"After the asbestos removal was done, and after the heat-

ing season, the village DPW crews removed the 1977 boiler," Mr. Yurgartis said. "The new Weil-McLain boilers were installed. There is no asbestos in this system."

Village officials in Potsdam have been grappling with the issue of asbestos in the workplace since the death of Ms. LaDuke and another long-time village employee. Trustees will soon be deciding whether to spend \$20,000 to remove more asbestos from the village courtroom. The room is currently sealed off from the public.

In recent weeks the village has also conducted three separate air quality tests to make sure no asbestos was found in the atmosphere. All three of the tests have come back negative, according to officials.

Dairy



PHOTO BY JACOB...

Asbestos cleanup made a priority

POTSDAM ABATEMENT: Town, village officials stress the need for cooperation to save money

By **ALEX JACOBS**
TIMES STAFF WRITER
TUESDAY, AUGUST 4, 2009

ARTICLE OPTIONS

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 SHARE

POTSDAM — Town officials say they'd be open to working with the village on developing a shared courtroom, but they think both municipalities need to take care of their asbestos abatement concerns first.

"We should both realize in a time of economic depression, if we could save money by doing something together, we should try to cooperate," Supervisor Marie C. Regan said. "But nothing is going to be done, either renovation or on another structure, until the hazardous materials are taken care of. We're just not going to put the people in this office or the public at risk."

The town put out a request for bids two weeks ago to test for asbestos and other hazardous materials in its 35 Market St. hall. If asbestos abatement or removal of other material is needed, Mrs. Regan said, she hopes to get that work done as soon as possible.

The village soon plans to put an asbestos abatement project of its own out to bid. The courtroom there has been shuttered for weeks because of a leak in the ceiling that allowed water to drip through mastic that contains asbestos.

Administrator Michael D. Weil said last week that it could cost as much as \$20,000 to remove the asbestos, decontaminate the space and test the air again.

Mayor Reinhold J. Tischler has asked Steven W. Yurgartis and Deputy Mayor Ruth F. Garner to reconvene the court-sharing committee they sat on with town officials last year. Mrs. Regan served on that committee with Councilman Michael J. Zagrobelny.

"It's all very preliminary. I think we should all just go in with an open mind to see what we can do," Mr. Zagrobelny said. "It's too early to start talking about

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potential locations and things like that without getting everybody together. I'm open to a discussion about the whole thing just to see where it goes."

The committee dissolved last year after long-standing tensions led to an impasse. The committee looked at the town hall, civic center and Clarkson University's downtown Snell Hall as possible locations for the facility.

Now, Mrs. Regan said, she's not sure Snell Hall will be a feasible option, and she's still reticent to move into the civic center.

The town is looking at demolishing its entire building and starting from scratch.

Mrs. Regan said that the preliminary estimates the town has gotten for tearing down its hall and building an updated three-story municipal building in its place are "considerably cheaper" than what it would have cost to build on Lawrence Avenue. That proposed project would have cost \$3.2 million.

The supervisor said she's also open to moving a joint court elsewhere, so the town can repair its building and expand the offices inside.

"The public would really like us to keep a presence downtown," Mrs. Regan said.

"There's simply no way we can do it just rehabbing this building. Either we have to add a third floor or find a place to do a court, either by ourselves or with the village."

The town hall was built in 1841 and its second floor was added about 1944, according to Town Clerk Cindy J. Goliber. The town moved into the former bank in the mid-1960s.

The building needs extensive repairs on its back wall and roof, which could cost up to \$200,000, according to engineer Aaron B. Jarvis of Tisdell Associates, Canton.

The air conditioning and heating systems also are priorities for fixing up the building, as well as the addition of a handicapped-accessible elevator.

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