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October 28, 2021

Peter Van Scoyoc
Town Supervisor
Town of East Hampton
159 Pantigo Road
East Hampton, New York 11937

Delivered by USPS and Email
PVanScoyoc@EHamptonNY.Gov

Re: Statement from the office of
East Hampton Town Supervisor Peter Van Scoyoc

Dear Supervisor Van Scoyoc,

As an elected official, we expect you to thoughtfully respond to questions, comments, and suggestions made by your constituents. So why do you repeatedly ignore our concerns?

On August 3, 2020, you issued a Statement from the office of East Hampton Town Supervisor Peter Van Scoyoc (see statement [here](#)). It is replete with half-truths, false innuendo, misdirection, misleading information, and outright lies. This letter addresses *only* five examples from your two-page statement where you have lied to your constituents (see List of Lies, overleaf).

I feel compelled to raise your persistent deceitfulness because you continue to view residents' health as necessary collateral for a private development to proceed. I cannot stand by as an onlooker and remain silent in good conscience.

When you issued the (above-captioned) statement, you knew that much of the information was *not* true, but still, you released it in the form of a press release, regardless. Moreover, you spread these lies on official Town of East Hampton letterhead, giving them a (false) veneer of creditability and adding the weight of your office to a trumped-up narrative. It appears your motivation was to cover up the Town's culpability for prolonging residents' exposure to harmful chemical contaminants in their drinking water, unnecessarily, arguably for more than a year.

On April 3, 2021, during a presentation on water quality to the Waincott Citizens' Advisory Committee, the WCAC was asked to advise the Town Board to:

Correct the false information provided by Supervisor Van Scoyoc in his "Statement from the office of East Hampton Town Supervisor Peter Van Scoyoc" (including the "timeline of all events") dated August 3, 2020 (see presentation online [here](#)).

In response to that request, the WCAC wrote to the Town Board expressing residents' "concerns about contaminants in soil and groundwater in the area around East Hampton Airport; they have questions about water usage and safety." The letter ([available here](#)) continues, "Wainscott residents remain concerned about construction for the South Fork Wind (SFW) cable taking place so near a Superfund site and throughout the Hamlet where contamination has been detected." Six months have passed since then, and still, the Town has *not* bothered to respond to the WCAC. Why are you so dismissive of a group of dedicated people, some of whom have served our community for more than thirty years?

By ignoring the WCAC, you slight the residents it represents, your constituents. Your continued silence also risks being construed as a tacit admission of guilt. Residents of the Town are left guessing why Supervisor Van Scoyoc has *not* denied that he lied in an official press release about such a vital issue as his constituents' health only five days before an election.

Therefore, to allay residents' concerns, please reply to the WCAC's letter now. Also, please correct the false information you provided in your "Statement from the office of East Hampton Town Supervisor Peter Van Scoyoc" now.

Democracy demands open and honest discourse, and further, we hold our elected officials to account when they act against the interests they purport to represent.

List of Lies

The following quotes (in *italics*) are instances taken from your Statement from the office of East Hampton Town Supervisor Peter Van Scoyoc, where you have lied to the Town. Underneath each quote is the truth.

1) *The attached document is an accurate timeline of all events.*

You provided neither an accurate timeline of all events nor even events that are central to the subject at issue, the Town's attempt to conceal hazardous waste contamination on its property. For example, conspicuously missing from your timeline are the following three critical documents –

- a) The DEC's Request for Information Pursuant to Article 27, Title 13 of New York State Environmental Conservation Law (ECL)/PFOA/PFOS Facility Identification Survey, dated June 14, 2016 (see information request, [here](#)). The DEC made the Town's legal position very clear: "You are legally obligated to respond to this survey. Failure to complete the survey is a violation of the ECL and may be subject to enforcement action." The DEC asked the Town to reply within 31 days. Still, the Town did *not* respond accordingly and ignored

its legal (and moral) obligation towards protecting the health of its constituents. This critical document is absent from your “timeline of all events.”

- b) The Class B Fire Suppression Foam Usage Survey Questions that the Town completed and returned (via email) on March 23, 2017 (see the completed survey, [here](#)). The Town finally returned the survey eight months after the deadline after being repeatedly reminded by NYSDEC to do so. When the Town returned the survey, it contained grossly misleading information. Regardless, Airport Director James Brundige signed and (falsely) certified that “the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.” This critical document is missing from your timeline.
- c) Email correspondence between Supervisor Larry Cantwell and Suffolk County Department of Health Services (SCDHS), Deputy Commissioner, Christina Capobianco in late November 2017 (see correspondence, [here](#)). During the exchange, Deputy Commissioner Capobianco asked to "schedule an appointment to sample wells" and requested "contact information for facilities served with on-site wells." In response, the Town did *not* provide *any* information regarding the nine on-site located at the airport site, effectively delaying testing at the airport for contamination. Again, the email exchange is *not* in your timeline.

2) *The Town Board acted promptly and reasonably.*

The Town did *not* act promptly by delaying the reporting of discharges of hazardous waste (on its property) for eight months when NYSDEC asked it to respond within thirty-one days.

It is *not* reasonable to obstruct a DEC and SCDHS investigation by failing to return to NYSDEC a survey of only eleven questions or to provide misleading information to SCDHS so that it did not know to test wells at the airport site.

By failing to act *promptly and reasonably*, the Town prolonged a situation where hundreds of Town residents were ingesting water contaminated with hazardous waste that still emanates from the Town-owned airport site.

3) *The Town promptly provided all information it had in its possession.*

The Town did *not* provide all information it had in its possession. In May 2021, FPM Group prepared for NYSDEC, A Remedial Investigation/Feasibility Study Work Plan for East Hampton Airport (“Airport Work Plan”). The work plan cites information FPM Group used to evaluate activities at the airport site. The information includes “Town records, and East Hampton Town Police (EHTP) records” (the EHTP is an agency and department of the Town of East Hampton). The Airport Work Plan reads, the “EHTP records document at least 29 plane accidents at the airport between 1991 and 2020 [...] Some of these responses involved fuel releases and/or fires on which fire-fighting foam was reportedly used” (at p. 1-5, available at dec.ny.gov, [click here](#)).

The vast majority of the “29 plane accident” records were in the Town’s possession when it returned its Class B Fire Suppression Foam Usage Survey Questions to NYSDEC. Still, in response to the survey, Question “9. Has Class B fire suppression foam ever been used for firefighting or other emergency response purposes at the Facility?” the Town indicated “Unknown.” The Town’s answer contradicts the records that *it had in its possession* at the time. If the Town had *provided all information it had in its possession*, NYSDEC would have known that firefighting foam was used at the airport site.

- 4) *[T]he Town has complied with every demand, request and order made by NYSDEC and the Suffolk County Department of Health regarding the investigation and cleanup.*

The Town did *not* comply with “every demand, request and order made by NYSDEC” and SCDHS. For example, the Town did *not* return its PFOA/PFOS Facility Identification Survey by the requested thirty-one-day deadline (see paragraph (1)(a) above). The Town did *not* “install point of entry treatment systems (POETs) ... to address the contaminated water supply wells” when instructed of such a need by NYSDEC in its letter “Re: Potential Hazardous Waste Disposal Site” dated November 10, 2017 (see letter, [here](#)). The Town did *not* provide the information requested by Deputy Commission Capobianco on November 24, 2017 (see paragraph (1)(c) above).

- 5) *The Town has hired environmental experts in the field to immediately address any and all issues.*

When you issued your Statement from the office of East Hampton Town Supervisor Peter Van Scoyoc (on August 3, 2020), the Town had *not* hired experts in the field to “address any and all” issues pertaining to hazardous waste contamination on its property (the airport site). The Town only hired an environmental engineering two months *after* you had issued your statement. It wasn’t until October 1, 2020, that the Town Board authorized an agreement “with FPM Group to provide an air and soil environmental study for the East Hampton Airport” site (see Town Resolution 2020-936, [here](#)).¹

If the information (above) contains any errors of fact, please correct them now.

Sincerely yours,



Si Kinsella

¹ On August 18, 2020 (again, *after* Supervisor Van Scoyoc’s statement), the Town passed a resolution (no. 2020-795) concerning a small retainer agreement (of \$5,000) for “environmental engineering expertise” regarding South Fork Wind that did *not* include testing soil or groundwater for contamination.

c/c: East Hampton Town Board (via email only)

Deputy Supervisor Kathee Burke-Gonzalez	(KBurke-Gonzalez@EHamptonNY.Gov)
Councilwoman Sylvia Overby	(SOverby@EHamptonNY.Gov)
Councilman Jeffrey L. Bragman	(JBragman@EHamptonNY.Gov)
Councilman David Lys	(DLys@EHamptonNY.Gov)
Jeanne Hutson, Legislative Secretary	(JHutson@EHamptonNY.Gov)

Wainscott Citizens' Advisory Committee Member (via email only)

Carolyn Logan-Gluck, Chair

José Arandia

Dennis D'Andrea

Barry Frankel

Anthony Liberatore

Pamela Mahoney

Bruce Solomon

Sally Sunshine

Philip Young

Lori Anne Czepiel



Residents of the Town of East Hampton (via email to 1,050 recipients)

Attachments:

- 2020-08-03 - [Statement from the office of East Hampton Town Supervisor Peter Van Scoyoc \(here\)](#)
- 2021-04-03 - [Presentation to WCAC on Water Quality \(click here\)](#)
- 2021-04-12 - [WCAC letter to Town of East Hampton, Re: Water Quality \(click here\)](#)
- 2016-06-14 - [NYSDEC Request for Information, Re: PFAS Survey \(click here\)](#)
- 2017-03-23 - [NYSDEC PFAS Survey, Completed by Town \(signed by Airport Director Brundige\)](#)
- 2017-11-24 - [Correspondence between Supervisor Cantwell & Deputy Commissioner Capobianco](#)
- 2021-05-00 - [FPM Group, Study Work Plan for East Hampton Airport \(click here\)](#)
- 2017-11-10 - [NYSDEC Letter Re: Potential Hazardous Waste Disposal Site \(click here\)](#)
- 2020-10-01 - [Town Res: # 2020-936, Re: FPM Group, Airport Environmental Study \(click here\)](#)