



Safe Energy Rights Group, Inc.

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Peekskill, New York 10566

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A joint press release from *Keep Yorktown Safe* and *Safe Energy Rights Group (SEnRG)*

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In an Article 78 proceeding filed in New York State Supreme Court, Michael Grace the town of Yorktown Supervisor, the members of the Yorktown town board, and Algonquin Transmission, LLC (a subsidiary of the Houston, Texas based energy company, Spectra Energy) have been sued for failure to seek the required New York State Legislature approval to convey town owned parkland to Algonquin as it enlarges its fracked-gas pipeline through Westchester County.

The lawsuit challenges an agreement inked this spring between Yorktown and Algonquin. The lawsuit asserts that what Algonquin and Yorktown Supervisor Michael Grace plan to do may only be done through an open process in the New York State legislature known as 'alienation,' and that this process, which protects land in the public trust, must be subjected to the New York State Environmental Quality Review Act (SEQRA). The petitioner, Almar, LLC, owns family homes and property across the street from Granite Knolls West Park, one of the parks in which tree cutting, earth works, road building, and the installation of industrial infrastructure are slated to take place.

In May, the town board voted to approve a 'revocable license agreement' with Algonquin for \$1.5 million in exchange for the use of 7.5 acres of land beyond the company's permanent easement in the Granite Knolls and Sylvan Glenn parks. Algonquin plans to replace an existing 26" gas pipeline with a significantly larger new 42" diameter high pressure pipeline and also plans to construct permanent industrial infrastructure in the form of metering and regulating stations and "pigging" facilities (which clear built up deposits from pipelines). In addition, a permanent access road into the park will be constructed. Yorktown resident Paul Moskowitz, who holds a PhD in nuclear physics, warns that, "The proposed 'pigging' station on Stony Street poses a risk to the health and safety of all of us. The materials removed at the pigging station are contaminated by radioactive Lead and Polonium. If we breathe or ingest these, we risk cancer. We should not be exposed to this danger."

The alienation issue has raised hackles both in Yorktown and on the County level where Westchester County Executive Astorino has engaged in a similar agreement with Algonquin for land within Blue Mountain Reservation - also without pursuing the required alienation procedure.

Philip Simpson, attorney for the impacted residents, said, "This lawsuit was filed to protect the integrity of Yorktown's public parklands and to protect the health and well-being of park users

and residents, including my client. Algonquin and Grace have signed an agreement that would let Algonquin make a permanent industrial installation on Town parkland where families and children play, hike, and relax. In addition to whatever damage is done to the existing easement, the agreement allows Algonquin to devastate seven and a half acres of parkland by permitting logging and the construction of a permanent road into the park without SEQRA environmental review. The impact of the pipeline, road construction, and toxic infrastructure on the park will be permanent and long term both to personal health and the Town's cherished park."

Attorney Simpson continued, "Yorktown and Algonquin are not proposing a hot-dog stand or an insignificant miniature golf concession. Yet in order to avoid open public scrutiny and compliance with New York's public trust doctrine and environmental review laws, Supervisor Grace and Algonquin have attempted to dress their agreement up as being merely a short-term 'license.' We trust the Courts will agree that there is no end-run around these safeguards of public parks and public health."

President of the *Yorktown Land Trust* John Schroeder had this to say in a letter written in June to the State Attorney General regarding the Town's frequent use of licensing: "We believe there has been a deliberate effort by the Town Board to skirt the alienation process and we respectfully request that your office investigate these situations to determine whether alienation should have taken place."

Yorktown resident Michelle Kearns, whose a family lives in close proximity to the pipeline, said, "I am glad that someone is holding Supervisor Grace accountable for his poor decision to lease our Parkland to Spectra and for endangering the health and safety of all the residents in this area. As a homeowner who lives 400 ft away from this proposed pigging station, and construction zone, and the mother of 3 young children, I am terrified of the dangers we could be exposed to."

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