

**Gatto, Ronald**

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**From:** Gatto, Ronald  
**Sent:** Friday, August 03, 2007 5:45 PM  
**To:** Belfiore, Thomas  
**Subject:** Hen-Island Up Date & Westchester County Police Involvement  
**Importance:** High  
**Sensitivity:** Confidential  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Commissioner:

To start, we held a meeting at HQ last week with all involved Agencies that were involved with the inspection to discuss our findings and the next plan of action that should be taken. Which I will explain below.

However, I would first like to answer the questions to you that the DCE had mentioned in the email in order as written;

1. **Emails that mention the possibility of the grandfathering law:** The DCE is correct it is totally unacceptable. I mention this subject in my email summary to you basically stating the same. The Grandfather Law can only be applied to certain situations that meet the criteria, where initial approvals were met by municipalities. In this case these systems are ALL ILLEGAL and were never approved as they are all make shift period.....
2. **Correct the situation from a health and environmental prospective:** I fully and totally agree. These systems were illegally installed and were never approved by any municipality or our Health Department, and have the potential to cause pollution not only to the people on the island but the water quality at the City of Rye marina and Bay area as well.
3. **How where the systems installed without permission, permits, & knowledge of a permitting Municipality:** The systems were installed by the home owners. Some may have been installed by a handy-man. None of the systems are normal approved type septic systems with tanks and fields. They are cement block sess-pools or discharge pipes that go to know-where. Know permits were issued for any of the systems, and investigation shows the City of Rye at one point or another had some knowledge of these systems being erected and used by subjects living on the Island. Complaints never went anywhere. As for any contractors being licensed, most work was done by the home owners. We believe some of the homes had some work done to them by a contractor i.e. repairs, inside work, etc. We have no names at this time.
4. **Efforts being made to track down the individuals who installed the systems:** The home owners are the responsible parties as these systems are make shift at best. I have in the case file names and addresses of the home owners. It is my opinion, our Health Department should be advising each home owner to disconnect there illegal septic system immediately. Secondly, we should be asking each home owner for a certified plan to be submitted for approval to install a septic system stamped by an Engineer. I do not believe you will get many back as there is not enough room to install a proper and approved septic system on this Island. As we discussed there are other options.

This has been an on going problem for many years. Complaints basically went by the waste side. This time County Police ESU received the complaint through the Riverkeeper. Commissioner, as you know when we received the complaint we discussed it with you and jumped on it. I have been told by the complainant and the Riverkeeper that they are grateful for our concern and our immediate action we are taking to correct these long time violations.

At this point and time, I would like to very much stay involved with this complaint / Investigation and follow it through to the end or at least until I feel our involvement is no longer needed. Besides health code violations, we may still find some ECL illegal discharges into the bay area from these systems. We need to further discuss what violations / charges can be imposed to the home owners with illegal systems. At this time I strongly feel Police presence is crucial in this case in working with the Health Department.

Again, I would like to thank you for all your support, and the DCE as well.

Respectfully Submitted,  
Ron

Director Ronald A. Gatto D/S  
Environmental Security Unit  
Westchester County Police ( DPS )  
( Ph#914-864-7601 / Ph#914-864-7606 )

-----Original Message-----

**From:** Gatto, Ronald

**Sent:** Wednesday, July 18, 2007 1:50 PM

**To:** Belfiore, Thomas

**Cc:** Guido, Frank; Meyerson, Leonard; Long, Demosthenes; Smith, Matt; Connolly, John; Carroll, Allen; Lauro, Thomas

**Subject:** Status on; Case# 07-1376 - Hen-Island Investigation / Inspection on July 17, 2007

**Importance:** High

**Sensitivity:** Confidential

**Commissioner:**

Please find below my preliminary investigation summary of the complaint ESU received concerning alleged Health violations at Hen-Island community located in the City of Rye. This report excludes certain investigative information that is in the Official Police Report.

**SUMMARY:**

On June 6, 2007, this Director received a complaint from Ray Tartaglione of White Plains, he alleges there are many health violations at the Community at Hen-Island located in the jurisdiction of the City of Rye. He further alleges there are illegal septic systems, illegal water storage and usage operations, burying of steel and other debris, and many other violations, including but not limited to, the City of Rye Building code violations. Complainant also mentioned they had a serious mosquito problem.

**INSPECTION TEAM:**

Westchester County Police, ESU Director Gatto, P.O. Connolly, ES Carroll; The City of Rye Police Marine Unit, P.O. Gary Olivier, Sgt. Craig; The City of Rye Building Inspector, Vinney Tamburro; and the Westchester Department of Health, Inspector Matt Smith. The team was escorted by the complainant Ray Tartaglione.

**HEN-ISLAND DESCRIPTION:**

Size 25 Acres at mean high tide. ( mean tide = not high not low ) Island is divided in three sections, South end, North end, and middle section. The North end has ( 15 ) homes. The South end has ( 14 ) homes. The middle section has ( 4 ) homes. The South side end is connected by a causeway at low tide you can walk to ether end.

#### INSPECTION SHOWED:

The team inspected ( 15 ) homes located on the North end of the Island. Some of the homes showed unapproved above ground septic systems. Houses marked # 1 & 3 had septic systems that were not approved by the County Health Department and were make shift at best. House #1 had a cement block above ground septic system. House # 3 had a rock pile sludge pit type of septic system neither approved by the Health Department. Many of the homes have septic drain pipes leading under ground to an unknown area of disposal.

There was also many water collection systems which included open and closed tanks and tubs of water that were filled by a gutter pipes connected from the roof of the Homes gutter system. Some of the tanks had a plywood cover and some were more tightly sealed as the tanks were plastic drums. This water system does not meet the water quality standards for palatable and safe drinking water.

The team also noticed a mosquito infestation. This Director and other team members were severely bitten by mosquitos. The area showed no signs of any type of a mosquito control program.

Upon further inspection in general, the middle section and the South end section basically mimicked the North end by having the same unapproved septic systems and water systems that collect water from the roof gutters.

The team also observed an area on the North side of the Island where pieces of steel was dumped and covered by brush.

#### CONCLUSION: (preliminary)

The Investigation / Inspection clearly showed make shift septic systems on many of the homes throughout the Island. These systems were not approved by the County Health Department and/ or the City of Rye Building Department. Some of the systems were at ground level or above and some were in the ground and discharged to an unknown area of the Island. The water collection system was water collected from the roof of the homes and routed to a holding tank by gutter pipes. Most of the water was stagnant and not potable. As for the mosquito complaint. The mosquito population was quite severe as the team experienced numerous mosquitos' bites.

Further, we looked at the possibility of these illegal septic systems being grandfathered to a legal status at some point and time. Investigation shows **this does not seem possible** due to the fact there was **no permission ever given** by any authorizing authority in writing to install these system initially. **These systems where not designed or approved by any proper authorities**. It also appears some of these systems may have been recently modified and/ or worked on without any authorization or knowledge of local authorities.

#### NEXT PLAN OF ACTION – INVESTIGATION:

Westchester County Police ESU will be hosting a meeting at County Police HQ with the Westchester County Health Department, the City of Rye Building Inspector, and City of Rye Police Marine Unit to review the findings and discuss the type of violations and corrective measures needed to be taken. At this time, there doesn't appear to be any criminal violations. However, there are numerous Health Code violations which could have an impact on the residents of Hen Island and the surrounding water front community. The team worked very well together and did an excellent job.

Respectfully Submitted,

Director Ronald A. Gatto D/S  
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Environmental Security Unit

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