

From: "Ray Tartaglione" <ray@Healtheharbor.com>

Date: April 28, 2011 11:14:41 PM EDT

To: "Pickup, Scott D." <spickup@ryeny.gov>

Cc: "Tamburro, Vincenzo" <vtamburro@ryeny.gov>, <Richard.Filippi@ChangeForRye.com>, "Parker, Catherine" <parkersinrye@aol.com>, <DHFRENCHRYE@aol.com>, "Sack, Joe" <jsack@sacklawfirm.com>, <Pjovanovich@aol.com>, "Keith, Suzanna" <skconcepts@hotmail.com>, "Gamache, Paula" <paulag6575@aol.com>, <CE@westchestergov.com>, <kplunkett@westchestergov.com>, <bill.mooney@westchestergov.com>, "Christian Falcone" <chris@hometwn.com>, "Robin Jovanovich" <rjovanovich@ryerecord.com>, "Sears, Jay" <jaysears@yahoo.com>

Subject: Re: Hen Island

Mr. Pickup,

Your rhetoric and delay in writing violations is unacceptable. Protocol for the "regulatory review" you speak of should include the issuance of violations. If Rye is not willing to play the part of Health Department, why weren't violation issued and Kuder Island referred to the Health Department for approval in writing before the city releases the violation and imposes fines?

Your "reasonable solution" to your "regulatory review" is just another way to delay and avoid compliance on Hen island. If the end result is really to fix the problems, as the complainant why wasn't I allowed to attend the meetings or at least be supplied with minutes and a list of attendees of the meetings? If someone is breaking the laws in Rye are they issued a violation or arrested or are they asked to come in for a meeting to discuss the laws they broke.

A few months ago, I was issued a violation for speeding on Post Road. Can you tell me why I had to appear in front of the judge and pay a fine and why I was not called in for a meeting instead? Your statement referencing litigation of the mosquito infestation on Hen Island is again incorrect. Are you aware that the Supreme Court issued a Temporary Restraining Order (TRO) compelling Kuder island to implement a mosquito control program in 2007?

Your references to composting toilet standards are also misleading. If you read the code you would see by the supplied chart that the systems in question require separation distances between components and wetlands or watercourses of between 25 to 100 feet. Hen Island in its entirety is a wetland. If the state standards do not allow working systems near the water, why is Rye allowing systems that are not working and installed illegally to be less than ten feet from the water?

Speaking on potable water, are you trying to lead anyone to believe that collecting bird feces infected water from rooftops will now be permitted according to the new code? Lastly the certified results and tests that you state are not available can be viewed at the below attached link. Mapping included showing the proximity opposite the Greenhaven Homeowners Association Beach.

http://www.healtheharbor.com/correspondence/PercTestHenIsland_1009.pdf

Disappointing statements and very misleading Mr. Pickup....

Ray Tartaglione
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Bringing attention to environmental injustice one harbor at a time
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----- Original Message -----

From: Pickup, Scott D.

To: ray@healtheharbor.com

Cc: bill.mooney@westchestergov.com ; kplunkett@westchestergov.com ; CE@westchestergov.com ; Gamache, Paula ; Keith, Suzanna ; Pjovanovich@aol.com ; Sack, Joe ; DHFRENCHRYE@aol.com ; Parker, Catherine ; Richard.Filippi@ChangeForRye.com ; Tamburro, Vincenzo

Sent: Monday, April 25, 2011 6:33 PM

Subject: RE: Hen Island

Ray:

The complaint that you forwarded in March has been moving through a thorough regulatory review, and I am confident that the efforts of the Health Department, the Kuder Island Homeowner's Group and the City will come to a reasonable solution.

The mosquito issue has been litigated and reviewed, and the City is comfortable in our position that we discussed at Council at the April 15th meeting. The 2010 updates were effective February 3, 2010 state of New York title 10, Department of Health, Chapter II, Part 75 (section 75-A.1- 75 A.11) The composting toilet standards are NSF/ANSI certified. The definitions for potable water are from the 201 residential Code of New York State (Chapter 2 Definitions) page 13.

The issue you raise in your April 23rd concerning sewers polluting waters off of the Greenhaven beach is not certified with any results that the City or County or Long Island Sound Study Watershed publications can verify. If you have specific data the City would be happy to include this in our regulatory review.

Scott Pickup

From: ray@healtheharbor.com [mailto:ray@healtheharbor.com]

Sent: Saturday, April 23, 2011 5:36 PM

To: Pickup, Scott D.

Cc: bill.mooney@westchestergov.com; kplunkett@westchestergov.com; CE@westchestergov.com; Gamache, Paula; Keith, Suzanna; Pjovanovich@aol.com; Sack, Joe; DHFRENCHRYE@aol.com; Parker, Catherine; Richard.Filippi@ChangeForRye.com

Subject: RE: Hen Island

Scott, Your silence and lack of response as a public official reveals something very significant.

Please see the attached letter.

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From: Ray Tartaglione [mailto:ray@rjtauto.com] Sent: Saturday, April 16, 2011 7:46 PM

To: Pickup, Scott D.

Cc: bill.mooney@westchestergov.com; kplunkett@westchestergov.com; CE@westchestergov.com; Gamache, Paula; Keith, Suzanna; Pjovanovich@aol.com; Sack, Joe; DHFRENCHRYE@aol.com; Parker, Catherine; Richard.Filippi@ChangeForRye.com

Subject: Re: Hen Island

Scott, I was again disappointed with your update at the last City Council meeting and will respond to it in detail in a later communication. I have not received a response to the below e-mail as of yet. It would be appreciated if you would please acknowledge that you have received it and if you have intentions of responding to it.

----- **Original Message** -----

From: Ray Tartaglione

To: Pickup, Scott D.

Cc: Richard.Filippi@ChangeForRye.com ; Parker, Catherine ; DHFRENCHRYE@aol.com ; Sack, Joe ; Pjovanovich@aol.com ; Keith, Suzanna ; Gamache, Paula ; CE@westchestergov.com ; kplunkett@westchestergov.com ; bill.mooney@westchestergov..com

Sent: Tuesday, April 12, 2011 8:40 PM

Subject: Re: Hen Island

Scott, I was disappointed with your response as I was hoping that this would be a transparent event with the City. I did have a phone conversation with Mr. Mooney after I received your e-mail and although I did speak to him about the meeting, I am interested in the City of Rye's take on the meetings and what has and will transpire as a result of those meetings on the part of the City. Although Mr. Mooney did call, he only spoke of the County's position and raised his own concerns as to how Rye and Kuder Island Colony would respond. He did however make reference to the Judge's decision stating that Rye presently has effective codes to deal with the issues in question.

Your letter to Mr. Ninivaggi suggests that remediation of the Mosquito infestation is a responsibility of the City of Rye or the county of Westchester. I don't believe this is true according to Rye's

code cited below; 108-40 Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform to generally accepted practice. 108-43 Owners of premises shall be responsible for compliance with this chapter and shall remain responsible therefor regardless of the fact that this chapter may also place certain responsibilities on operators and occupants and regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

Additionally the letter you included from George Vaselekos has nothing to do with the situation on Hen Island as we have no catch basins to be treated. I asked you and I will ask once again if you could please “provide me with dates of the meeting referred to in your e-mail response, along with any letters, minutes, notes, a list of those in attendance and any communications with regard to that meeting? Could you also provide the same with regard any prior or subsequent meetings with either Kuder Island Colony Inc. or Westchester County?” If necessary I will be happy to FOIL them but I was hoping that would not be necessary. Finally I would ask once again that I be included in all the correspondence, meetings and inspections. Scott, I am not looking to play games just looking to put this long avoided problem behind us once and for all. I am not concerned about who made mistakes in the past. I was hoping that this time around everyone was going to be honest, up front and would just address the problem. Should you like to continue as we have in the past, I will be happy to do so but I was hoping that would not be necessary for either one of us?

Please Scott, lets all just sit at the same table and work together so we can move on.

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

From: Pickup, Scott D.

To: Ray Tartaglione ; ray@healtheharbor.com

Cc: bill.mooney@westchestergov...com ; kplunkett@westchestergov.com ; CE@westchestergov.com ; Gamache, Paula ; Keith, Suzanna ; Pjovanovich@aol.com ; Sack, Joe ; DHFRENCHRYE@aol.com ; Parker, Catherine ; Richard.Filippi@ChangeForRye.com

Sent: Tuesday, April 12, 2011 4:57 PM

Subject: RE: Hen Island

Ray: This is the written correspondence that has been produced in reference to the meetings. I believe that Bill Mooney addressed the other issues about the previous meetings. Scott

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

From: Ray Tartaglione

[mailto:ray@rjtauto.com] Sent: Tuesday, April 12, 2011 12:08 PM To:

ray@healtheharbor.com; Pickup, Scott D. Cc: bill.mooney@westchestergov...com; kplunkett@westchestergov.com; CE@westchestergov.com; Gamache, Paula; Keith, Suzanna; Pjovanovich@aol.com; Sack, Joe; DHFRENCHRYE@aol.com; Parker, Catherine; Richard.Filippi@ChangeForRye.com Subject: RE: Hen Island

Scott, I would like to be prepared for tomorrow evenings City Council meeting. Could you please answer my previously e-mailed requests from Saturday with regard to Hen Island?

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

From: ray@healtheharbor.com [mailto:ray@healtheharbor.com]

Sent: Saturday, April 09, 2011 2:53 PM

To: 'Pickup, Scott D.'

Cc: bill.mooney@westchestergov...com;

kplunkett@westchestergov.com; CE@westchestergov.com; paulag6575@aol.com; skconcepts@hotmail.com; Pjovanovich@aol.com; jsack@sacklawfirm.com; DHFRENCHRYE@aol.com; parkersinrye@aol.com; Richard.Filippi@ChangeForRye.com

Subject: RE: Hen Island

Scott, Thank you for the quick response. Could you please provide me with dates of the meeting referred to in your e-mail response, along with any letters, minutes, notes, a list of those in attendance and any communications with regard to that meeting? Could you also provide the same with regard any prior or subsequent meetings with either Kuder Island Colony Inc. or Westchester County? Thanking you in advance for your cooperation.

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

From: Pickup, Scott D. [mailto:spickup@ryeny.gov]

Sent: Saturday, April 09, 2011 8:48 AM

To: ray@Healtheharbor.com

Cc: bill.mooney@westchestergov.com; kplunkett@westchestergov.com; CE@westchestergov.com; paulag6575@aol.com; skconcepts@hotmail.com; Pjovanovich@aol.com; jsack@sacklawfirm.com; DHFRENCHRYE@aol.com; parkersinrye@aol.com; Richard.Filippi@ChangeForRye.com

Subject: Re: Hen Island

We have met and will have an update at the Wednesday meeting

----- **Original Message** -----

From: Ray Tartaglione [mailto:ray@Healtheharbor.com]

Sent: Friday, April 08, 2011 10:58 PM

To: Pickup, Scott D. Cc: Bill Mooney <bill.mooney@westchestergov.com>; Kevin Plunkett <kplunkett@westchestergov.com>; Rob Astorino <CE@westchestergov.com>; Gamache, Paula; Keith, Suzanna; Jovanovich, Peter <Pjovanovich@aol.com>; Sack, Joe; French, Doug <DHFRENCHRYE@aol.com>; Parker, Catherine; Richard Filippi <Richard.Filippi@ChangeForRye.com>

Subject: Hen Island

Scott, Could you tell me if the City and/or the County has conducted any inspections, meetings or has had any communications with or about Kuder Island Colony as of yet, with regard to any of my complaints namely sewage, potable water and mosquito infestation?

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