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May 26, 2009

Mr. Frank J. Culross
Acting City Manager
City of Rye
1051 Boston Post Road
Rye, New York 10580

Re: Hen Island
Rye, New York

Dear Mr. Culross:

This office represents Raymond Tartaglione, a resident and cottage owner on Hen Island.

We recently became aware of a letter dated May 8, 2009 addressed to you from Leonard S. Meyerson, Deputy Commissioner of the Westchester County Department of Health, Division of Environmental Health, written in response to your letter dated April 9, 2009 advising of possible violations of various codes on Hen Island.

While we generally disagree with Mr. Meyerson's assessment of sanitary conditions on Hen Island, we do note that he did recognize problems with the purported sewage disposal systems of Cottage #1 and Cottage #11. The sewage pit associated with Cottage #11 is covered only by rotted plywood and the pit at Cottage #1 is covered only by 2x8 construction planking material. Neither circumstance is appropriate nor sanitary, resulting in the emission of foul odors when these

systems are in use. Therefore, as directed by Mr. Meyerson, these pits should be covered with “permanent covers which are rodent and insect proof and completely confine sewage contents.” However, neither Cottage has complied with that directive.

In addition, and perhaps even more troubling, is Mr. Meyerson’s disingenuous and feigned ignorance of the unsanitary and somewhat disgusting purported sewage disposal systems on Hen Island during the periods of high occupancy in the fast approaching summer season. Remarkably
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and it would appear, somewhat intentionally, neither Mr. Meyerson nor any of his associates have visited Hen Island during high occupancy periods. Instead, he most recently “inspected” the systems on April 24, 2009, when the Island had been unoccupied and the sewage pits were unused for seven (7) months. Of course, under those circumstances there would be no overflow nor emission of foul odors. Even more telling is Mr. Meyerson’s comment to Mr. Tartaglione, in response to an invitation to see (and smell) the Island during a peak usage period in the summer, that he “did not work on weekends.” Simply stated, the Health Department, for some unstated reason, does not want to deal with the conditions on Hen Island. However, that unwillingness does not alleviate the overflowing and unsanitary sewage situation that befalls Hen Island every summer.

Mr. Meyerson’s questionable reasoning regarding the admitted absence of potable water on Hen Island is also incorrect and misses the point. The instruction to residents to post warnings that “consumption of this stored water may be hazardous to health and any use of such water for drinking should be discontinued” does not address the use of the water to wash dishes, to brush teeth or to shower, all of which are potable water issues that fall squarely within Rye’s jurisdiction.

We, on behalf of our client, remain willing and able to work with you on these issues, and respectfully request that you address this situation and essentially step into the void left by an unwilling and do nothing Health Department.

Respectfully,

Steven H. Gaines

SHG:dmc