

Andrew J. Spano
County Executive

Department of Health

Joshua Lipsman, M.D., J.D. M.P.H.
Commissioner

September 25, 2007

Mr. Ray Tartaglione
101 Westmoreland Avenue
White Plains, NY 10606

Re: Hen Island
Rye, New York

Dear Mr. Tartaglione:

Please accept this letter in response to your letter dated August 3, 2007 that was addressed to both myself and Mr. Vince Tamburro, the Building Inspector for the City of Rye.

As you are aware, representatives of the Westchester County Department of Health conducted inspections at Hen Island on July 17, 2007, August 7, 2007 and August 27, 2007. Your August 3, 2007 letter raises a number of concerns regarding potential public health and building code violations at Hen Island, however, I will respond only to the issues that you have raised which are within the jurisdiction of the Department of Health and will defer the remaining issues to the Rye Building Department. Specifically, I will address your concerns about mosquitoes, septic and sewage issues, and potable water.

Based upon the inspections that have been conducted, the mosquito population at Hen Island is what you would expect to find in a location adjacent to salt marshes. The mosquito species that breeds in this environment is predominantly *ochlerotatus sollicitans*, and while they are a nuisance to humans, the species is part of the natural eco-system in salt marshes and has not been associated with the spread of West Nile virus and, thus, is not the focus of the Health Department's attention.

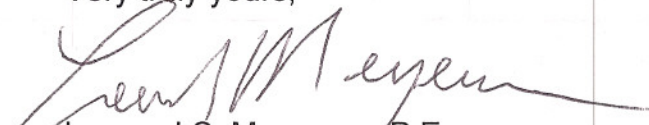
Mr. Tartiglione
September 25, 2007
Page 2

Your letter also makes reference to Section 873.831(7) of the Westchester County Sanitary Code. To our knowledge, the "elimination" clause of this provision has never been applied to mosquitoes and the failure to abate the mosquito population present at Hen Island is not a violation of our Sanitary Code. In order to limit further mosquito breeding, the Department typically advises that the open containment of stagnant ponded water be avoided.

With respect to your concerns about sewage systems on the Island, during the Health Department's visits to the site, several of the sewage disposal systems on the island were inspected. The systems inspected pre-exist the County's Sanitary Code and appear to be used infrequently. As the systems predate the Sanitary Code, said systems are violative of the Code only if the systems seep or overflow. As the County inspectors did not find any evidence of sewage seepage or overflow, there were no violations of the county's sanitary code that would prompt our intervention.

The connection of water stored in cistern tanks to residential faucets is an issue of potential concern even while our observations of and interviews with residents indicated awareness that such water is not potable. While the County does not have any regulations prohibiting this practice, as a precaution we provided a health advisory to the owner of the island (Kuder Island Colony Inc.) which agreed to recommend that residents post a notice at all faucets connected to cisterns stating that the water is not safe to drink.

Very truly yours,



Leonard S. Meyerson, P.E.
Deputy Commissioner
Division of Environmental Health

cc: Vince Tamburro
City of Rye Building Inspector