

Waging a war on Hen Island

Lawsuit commences over perceived environmental flaws

By Christian Falcone

A recent lawsuit has been initiated by a Hen Island shareholder against its residents and the corporation that owns it for perceived environmental wrongdoings, while the accused claim the frivolous nature of the case is a matter of sour grapes.

The corporation Kuder Island Colony Inc., which is made up of seven residents of the island, own the secluded private seasonal island that is a summer home to a sparse number of residents off the coast of the City of Rye's Milton Harbor lying along the Long Island Sound.

The lawsuit, which was filed in state Supreme Court by Raymond Tartaglione, contests that owners on the 26-acre island which has no electricity or running water and is only accessible by boat, have neglected to properly control a mosquitoes infestation and a lack of proper sanitation adding to pollution

of the Long Island Sound. The plaintiff claims that residents have been using unsanitary practices that have led to improper conditions. Attorney Steven Gaines of the firm Gaines, Grunter, Ponzini and Novick notes direct pollution into the sound, unsanitary water and insufficient sewage disposal among other things is the cause for the litigation.

"The way they dispose of waste should be more like from a jungle of a third-world country than the City of Rye in Westchester County," Gaines added. "That is undeniable."

President of the island's corporation Ben Minard counters that Tartaglione is nothing more than a disgruntled shareholder who was been ousted from his previous position as president of the group's board after serving in that role for 14 months.

Substantiating that claim is the City of Rye who hasn't involved themselves in the issue. That is according to Assistant City Manager Scott Pickup, who added that the city feels that the island

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has complied with everything that has been asked of it by the city's building department based on recent inspections over this summer.

The area, which has been viewed by Westchester County, the City of Rye and even videotaped by the county's environmental police over the past few months, have not been hit with any violations and according to Minard, there has been no indication of any to come. However, Gaines says that a temporary injunction was granted by the judge authorizing pesticide control to be administered to combat the mosquitoes problem.

Minard claims that the plaintiff has brought forth the lawsuit because the board and shareholders banned pesticide spraying on the island. He says the ban was because the island is in a tidal wetlands area and therefore is subject to tidal wetlands rules. "We did not feel comfortable with spraying because of the environmental risks," he added. "He [Tartaglione] had been doing it with unlicensed sprayers."

Gaines argues that there are 37 housing structures on the island and only three maintain certificates of occupancy. One of those belongs to his cli-

ent, Tartaglione meaning those are the only structures that have had their sewage disposal systems checked.

"One lot's sewage disposal system consists of an outhouse," Gaines said, be-

lieving it is the only working outhouse in Westchester County. "It goes right into the ground and onto ground water. That is no treatment."

Furthermore, he claims that uncovered or partially uncovered systems on the island flush sewage into a concrete trough similar to something a horse would drink out of. Some are located ten yards from the shore line, according to Gaines. "During storm surges or high tide the area is flooded and the waste goes directly to the sound," he added.

With no running water residents collect it into cisterns as it falls off their roofs and down their gutters after rainstorms. This water, which some use for showering and washing dishes, according to Gaines, is left uncovered and subject to bird droppings and other bacteria. He went on

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to say that there have been positive tests for E. coli and other bird-related bacteria due to the stagnant water becoming polluted.

Plus a lack of mosquitoes control spraying has led to an infestation problem, Gaines claims. The attorney attri-

butes this to an ill-advised and unrealistic environmental approach of the island's residents to "keep things the way they were forever."

"The breeding ground for mosquitoes and this sewage problem affects not only the island but homeowners and business owners that border the sound," he said. And continuing on asked, "Why is the City of Rye not doing anything? None of these systems are compliant. The issue is grounded

in politics and is being tossed around between the county health department and the City of Rye. These places should be shut down plain and simple."

Terry Backer of the Connecticut-based environmental group, The Long Island Soundkeeper, believes that on Hen Island there are homeowners who have never received proper permitting from any government entity suggesting there is some evidence that these septic systems in place on the island don't perform well and furthermore pollute the sound.

"What we are weighing now is the role that the Soundkeeper can play so that contamination of the Long Island Sound is stopped," Backer said.

Minard denies any accusations of the island's improper waste and sewage disposal into the sound and at this point, he along with the rest of the board are just waiting for the ruling to be handed down.

Students clean up 300 lbs. of trash from L.I. Sound

On Saturday, September 15, the volunteers documented what they found along the shores. This data will be used