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Hen Island lawsuit dismissed

Alleged health and environmental violations thrown out

By Christian Falcone

A lawsuit filed by a resident of Hen Island against its governing board, citing environmental wrongdoings, was recently dismissed after the court found the allegations unsubstantiated.

On January 27 State Supreme Court Judge Orazio Bellantoni ruled against Raymond Tartaglione, an island shareholder, in finding that the sewage systems utilized on the island were in accordance with Westchester County's health codes. The ruling also favored the island's governing board's previous institution of a ban on pesticide spraying for mosquitoes.

Hen Island is a 26-acre island privately-owned by Kuder Island Colony Inc., a corporation made up of seven island residents. The seasonal islet serves as a summer home to a sparse number of inhabitants off

"He's disgruntled... It appears that if there is a disagreement he will seek to sue to get his ends."

— Martin Ederer, Hen Island Board Trustee

the coast of the City of Rye's Milton Harbor lying along the Long Island Sound.

"We applaud the judge's decision," Ben Minard, President of the Kuder Island Colony's Board of Directors, said in a prepared

statement. "The judge found...that there are no violations of any county health ordinance taking place on this island."

The lawsuit had alleged that the owners of the island, which does not have electricity or running water and is only accessible by boat, had neglected to properly control a mosquitoes infestation along with a lack of proper sanitation, all aiding in polluting the Long Island Sound and improper sewage and living conditions. However, Board Trustee Martin Ederer says this type of action has been a pattern of Tartaglione's ever since he was ousted as Board President several years ago. He claims that Tartaglione has tried, in vain, to sue the island's board on three separate occasions. "He's disgruntled," Ederer added. "[But] from our perspective it's not personal. It appears that if there is a disagreement he will seek

to sue to get his ends."

In dismissing the case, the judge cited a county department of health advisory letter from August 31, 2007 that stated systems by which certain residents collect rain water, into cisterns as it falls off their roofs and down their gutters after rainstorms, do not violate county health regulations. He also relied on a September 25, 2007 letter attesting to the adequacy of the sewage systems utilized by island inhabitants.

"The people who own cottages on the island, the ones whose children play on its beaches and swim in its waters have a greater interest than anyone in ensuring that the island remains as clean and as beautiful as ever," Minard continued. "No one on this island would do anything to damage this

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Lowey: Bush budget is more of the same

Congresswoman Nita Lowey (D-Westchester/Rockland) criticized President Bush's Fiscal Year 2009 budget request, which proposes drastic cuts in health care spending for the most vulnerable citizens, a federal deficit of more than \$400 billion, and Iraq war spending pushing the total past \$1 trillion.

"President Bush's budget proposes more of the same – more cuts in critical services, more Iraq spending, and more red ink for the federal budget," said Lowey.

Lowey expressed disappointment about President Bush's budget request for policy priorities that she has championed in Congress, particularly the 21st Century Community Learning Centers, a highly successful after-school program that President Bush's budget would cut by \$281 million and transform to a voucher-based initiative.

"After-school programs keep children safe, reduce crime and drug use, and improve academic performance. President Bush's proposed cuts would result in more than 281,000 children being forced out of after-school programs. Slashing funding and changing a format that is proven to work is irresponsible and short-sighted," Lowey said.

The misplaced priorities of the Administration are evident in the effective and popular programs that President

Bush's budget proposes to eliminate:

- Preventive Health Services Block Grants, which gives grantees like Westchester County the ability to fill gaps in health care and respond to emerging crises;

- HOPE VI, which helps communities develop affordable and livable housing units;

- Community Oriented Policing Services (COPS), which has funded over 11,000 police officers and sheriff's deputies in New York;

- Metropolitan Medical Response System (MMRS), which recently awarded Yonkers more than \$300,000 for homeland security preparedness; and

- Children's Hospital Graduate Medical Education, which funds training programs for physicians at Blythedale Children's Hospital and similar facilities across the country.

President Bush's budget would also cut the Low-Income Home Energy Assistance Program (LIHEAP) by \$570 million at a time when heating costs are soaring. It would result in \$5.2 billion in new fees on veterans over the next ten years. Lowey also expressed disappointment that President Bush chose not to include funding for flood mitigation projects in Westchester County in his budget, as Lowey recently requested.

Westchester County 9/11 memorial wins award

Even before it was built, The Rising, Westchester County's September 11th Memorial was cited by the American Institute of Architects. After it was completed, the structure won awards from some of the most prestigious arts and architectural associations in the nation. Now, the memorial has the distinction of receiving the 2007 International Faith & Form/IFRAA Religious Art and Architecture Award for Sacred Landscapes.

"The Rising truly is a remarkable work of art and architecture," County Executive Andy Spano said.

"In a quiet and secluded corner of one of Westchester's most beautiful parks, the soaring structure stands as a permanent tribute to the residents of our county who died on 9/11. For the families and friends who lost their loved ones, it is a sacred place – a place where they can be close to the things that are eternal and the things of spirit. The Rising is worthy of this honor."

Designed by internationally accomplished architect, Frederic Schwartz, The Rising has stainless steel rods that rise 80 feet high from a circle of inscribed granite stones. The stones bear the names of the



The Rising, Westchester County's September 11 Memorial

Photo courtesy of Friends of Westchester Parks

residents of Westchester who died in the tragedies and an inscription provided by their families.

"The Rising is the creation of a brilliant architect – I congratulate Fred and his staff for this tremendous accomplishment," Spano said. "We are grateful to him for sharing his concept and dream for this award winning memorial."

The Rising is also the recipient of the 2007 Westchester Arts Council President's Award, the 2006 American Society of Civil Engineers (ASCE) Lower Hudson Valley Chapter

Award, the 2006 American Institute of Architects (AIA) Westchester/Mid-Hudson Chapter Honor Award for Municipal/Community Planning, and the 2005 American Institute of Architects (AIA) Westchester/Mid Hudson Chapter Citation for an Unbuilt Project.

Faith & Form is a non-profit organization that recognizes the work of architects, landscape architects, artists and consultants from all over the world for their design of religious art and architecture.

The memorial is open daily, from dawn to dusk.

Rye Nature Center events

March 1, 2008 Pancake Brunch & Maple Sugaring Demonstration at Rye Nature Center
10:00 AM – Noon

Help inaugurate our new brand



A March 1 Maple Sugaring Demonstration will take place at the Rye Nature Center.

new Sugar Shack by learning about maple trees and the delicious products that man has been making from the trees' winter sap for thousands of years. Watch the sap boiled down to sweet, pure syrup and do a taste test of this flavorsome maple treat on a stack of fresh, hot pancakes flipped by our staff and volunteers. Sturdy footwear is advisable for a short hike through the woods to the Sugar Shack. All ages welcome to this rain or shine event. Pre-registration is required. \$10 per person or \$25 per family. Call RNC for more information or visit our website at: www.ryenaturecenter.org

March 7, 2008 Artist's Reception at Rye Nature Center 7:30 PM

RNC brings the world of natural beauty inside our museum with changing art exhibits throughout the year featuring local and national artists. During the month of March, artist Karen McClendon will exhibit her mixed media artwork in the RNC gallery during regular building hours – Monday to Friday from 9:00 AM to 5:00 PM. Join

us for refreshments and an opportunity to speak with McClendon at the Artist's Reception on March 7 at 7:30 PM at Rye Nature Center. The exhibit and reception are free. Call RNC for more information or visit our website at: www.ryenaturecenter.org

March 8, 2008 Summer Ecology Camp Registration 8:00 AM

Rye Nature Center begins registration for its Summer Ecology Camp on Saturday, March 8 from 8:00 – 10:00 AM. Registration is on a first-come, first-served basis. Numbers showing your place in line will be handed out beginning at 7:00 AM. Registration will continue during regular hours, 10:00 AM – 3:00 PM, Monday through Saturday. Mail-in registration forms received by March 8th will be processed on Monday, March 10th. The summer ecology program serves over 500 children annually, ages Pre-K to grade 8. Each week is thematic and parents can enroll their children in one week or several weeks. Payment for membership in FRNC will also be accepted on registration day.

You must provide ALL of the following to register your child(ren):

- Registration form
- Medical Form
- Immunization Record
- Full payment by check payable to Friends of Rye Nature Center (sorry, no credit cards)

Call RNC for more information or visit our website at: www.ryenaturecenter.org

March 17, 2008 Mommy and Me Program Begins

Spend a fun filled hour with your little one/s (ages 2-4 with a caregiver) singing songs, meeting animals and learning about the natural world. The program runs 10 weeks and meets on Mondays from 10:30-11:00 AM. This program fills rapidly so please sign up early for this perennially popular program. \$180 for members, \$200 for non-members.



Nature At Your Doorstep

Black History Month: A time to fight a leading cause of death in African Americans

Black History Month, when we recognize past achievements, is also a good time to focus on one of the greatest threats to African Americans: stroke.

Stroke is the third-leading cause of death among African Americans, and more than 100,000 will suffer one this year.

But African Americans can get help to reduce their stroke risk through Power To End Stroke, an educational cause campaign of the American Stroke Association, a division of the American Heart Association.

The association encourages African Americans to sign a pledge to make a commitment to reduce their stroke risk. Once signing the stroke pledge, they may become Power To End Stroke ambassadors who help spread the messages about stroke.

Power To End Stroke tools include brochures, a risk assessment quiz, Family Reunion Toolkit, Power Sunday Church Toolkit and Healthy Soul Food Recipes cookbook.

The Family Reunion Toolkit helps spread stroke awareness to family members, while the Power Sunday Church Toolkit focuses more on members of the community. The 46 Healthy Soul Food Recipes Cookbook contains healthy variations to traditional soul food recipes.

"African Americans are at a particularly higher risk for stroke because of their increased risk for hypertension, high cholesterol and diabetes," said Emil Matarese, M.D., clinical neurologist at St. Mary's Medical Center in Langhorne, Pa. and Power To End Stroke spokesperson.

"Through the Power To End Stroke campaign, we are teaching people how to reduce these and other stroke risks. We are also teaching our population how to recognize five simple signs of stroke and to understand that getting to the hospital immediately can potentially reduce the pain, suffering, and disability from stroke." The five simple signs of stroke are:

- Sudden numbness or weakness of the face, arm or leg, especially on one side of the body.
- Sudden confusion, trouble speaking or understanding.
- Sudden trouble seeing in one or both eyes.
- Sudden trouble walking, dizziness, loss of balance or coordination.
- Sudden, severe headache with no known cause.

"Healing starts with self-awareness. The power is truly in our hands to be whole, happy and healthy," said Terri Kennedy, Ph.D., Harvard-trained wellness and empowerment coach, and ambassador for the American Heart Association.

Dr. Martin Luther King, Jr.'s message of freedom was reiterated through the words of his daughter, the late Yolanda King: "We will only be truly free when we reach down to the inner depths of our own being and sign with the pen and ink of assertive selfhood, our own emancipation proclamation. No civil rights, no voting

rights, no equal rights, no immigration rights are worth fighting for if we are dying from heart disease and stroke," she said while serving as a Power To End Stroke ambassador shortly after her mother, the late Coretta Scott King, suffered a stroke.

Call the American Stroke Association at 1-888-4-STROKE or visit www.stroke-association.org/power to:

- Take the stroke pledge to begin the journey to reduce stroke risk.
- Receive free information about African Americans and stroke.
- Find out how to reduce stroke in the community through the Power To End Stroke campaign.

About the American Stroke Association

The goal of the American Stroke Association, a division of the American Heart Association, is to reduce disability and death from stroke through research, education and advocacy. In its 2005-06 fiscal year, the association invested nearly \$157 million to fight stroke.

Hen Island

Continued from page 1

wonderful place."

Contesting claims of a mosquito infestation was the court's ruling that "the failure to abate the mosquito population at Hen Island is not a violation of the Westchester County Sanitary Code." The court also took into consideration an August report from the county's health department which found no evidence of species of mosquito carrying the West Nile Virus on the island. The board's reasoning behind prohibiting spraying on the island is that the area is tidal wetlands thus making illegal to spray pesticides, according to Ederer. "The Board of Directors did not want spraying," he explained. "It's a wetlands area; that was our reason for turning down his request to spray and that is what started this whole suit. We don't want to pollute the sound." The area in question had been previously

viewed by Rye's Building Department, the county and their environmental police over the course of last year.

"Both my client and I are extremely disappointed not only in the decision but the content of the decision and reasoning of the court," Attorney Steven Gaines, who represents Tartaglione, said. "The decision relies solely on content of two heresy letters which were a violation of the judge's own rules which is indeed regrettable."

Gaines argues that he and his client did not have an opportunity to respond to two letters submitted by the attorneys for the defendants [Kudor Island Colony Inc.]. The attorney also claims that those submissions came after a court imposed submission deadline had elapsed. In light of that, Gaines has already filed a notice of appeal and is "confident that the courts ruling is going to be overturned for substantive reasons, it was wrong," he says, "and for procedural reasons."



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