

Dear Deputy Health Commissioner Morrissey,

Please accept this letter as my response to your letter dated August 8, 2012, addressed to Mr. Minard, President of the Hen Island Corporation. There are several important issues obscured by Inspector Smith's July 19th, 2012 report that need to be highlighted. But before doing that let me provide you with some background.

In July of 2007 Inspector Matt Smith attended the first county inspection of Hen Island. After that initial partial inspection, which identified and documented illegal non-conforming sanitary sewage, non-potable water systems and a horrific mosquito infestation on the North Island of Hen Island, Inspector Smith asked me if I would give him a tour the entire three island chain so he could document what he termed the *"unbelievable conditions that were allowed to continue so long without enforcement"*. Inspector Smith's actions and wording that day reflected a professional that was amazed to find such quote *"barbaric conditions existing in this day and age."* Inspector Smith further told me that Hen Island was the worst case of non compliance he has ever witnessed.

I took the opportunity to ask inspector Smith if the non-potable water and sewage disposal conditions existed anywhere else in Westchester County and he assured me "they did not." During our tour we came upon a long time Hen Island resident, Mr. Martin Ederer. Mr. Ederer was very upset that The County Health Department was on site inspecting Hen Island and after a brief exchange of unpleasant words on Mr. Ederer's behalf, Inspector Smith explained to Mr. Ederer that if he had any complaints about the visit he should direct them to his supervisor in New Rochelle.

We then completed the county inspection of all 3 islands and Mr. Smith reiterated that very serious issues existed throughout the colony and apparently had for years. On the boat ride back to the mainland, Inspector Smith remarked on how beautiful the islands were and convinced that the county would swiftly cause remediation of the potable water, mosquito infestation and sewage conditions present that he inquired about the cost of potentially purchasing a cottage on the Island.

Paying-off politicians with political favoritism is a Hen Island tradition. "Political pressures" soon surfaced to extend and expand the decade's long cover-up of Hen Island's life threatening health conditions. Inspector Gatto was removed as the Lead Investigator and your predecessor, Deputy Commissioner Lenny Meyerson, was ordered to take personal charge of the matter. After the switch, I once again had the opportunity to meet with Matt Smith out on Hen Island for a "Second Inspection." This time Inspector Smith took a much different position. He personally distant and tried his best to be non-responsive to conversation, he also denied our previous conversations, his comments to me and, to my amazement stood in front of conditions he previously called "unbelievable" and "barbaric" and took the position that no problems existed – or had ever existed - on Hen Island.

And soon thereafter the above mentioned Mr. Ederer's son was allowed to construct an entire new home on Hen Island in 2008 without meeting any Westchester County or Rye City sewage or potable water codes in place at the time of construction. This was facilitated by the City and the County despite my objections in writing in the below linked letter.

<http://healtheharbor.com/correspondence/diforio041808.html>

I was subsequently personally informed by a high ranking official in the former Spano Administration that Commissioner Meyerson was terminated in 2010 from his position due to his inappropriate handling of the Hen Island inspections and official follow-up reporting.

Now getting back to the inspection of July 2012; first of all and most ironically, the inspectors have failed to mention anywhere in their report that due to the heavy mosquito infestation they apparently encountered as soon as they entered the rear section of the North Island they were forced to borrow and apply insect repellent from island workers in order to perform their inspection. These conditions are typical for the period of mid July through September on Hen Island and the workers always come prepared. They were quietly amused that government officials would arrive so unprepared. I am sure you are aware that with these higher the concentration of mosquitoes and their increased bite frequency that higher transmission risk factor for West Nile Virus (WNV) and/or encephalitis exists. These inspectors failed to take (or even report) any type of landing counts to document the painfully obvious infestation nor did they record geographic areas of concentration amounts.

Inspector Smith stated in his report of July 19th that - “except for a few cisterns observed, all were sealed or had proper coverings to prevent mosquitoes from breeding.” That statement in itself is grossly misleading and inaccurate as he did not mention the inlet leaders to the cistern systems as not being sealed. Most of the cistern systems on the Island do not have sealed or covered inlet supplies and therefore they do allow for very effective mosquito breeding. Additionally most of the coverings are not tight fitting and also allow for mosquito breeding.

After I conducted my own inspection of the homes on the North end of Hen Island, I found that most of the homes did have mosquito larva present - with the exception of four homes. These four homes that lacked the presence of larva in their cisterns appeared to have been recently treated with heavy doses of household bleach and /or chlorine. Both of these present additional toxicity problems when used in concentrated form for domestic purposes. Additionally, if the inspectors had taken water samples and had the samples tested at a state certified lab (as I have and have made available to your office previously) they would have come back testing positive for fecal matter, deposited by the numerous birds onto the island rooftop water collection systems. And as I am sure you are aware, all of the water collected by these systems on Hen Island is used in the cottages for domestic use.

I find it interesting that every advisory New York State DOH or the Westchester County DOH issues, mandates the removal of standing water as the primary action to remediate the threat of West Nile Virus yet on Hen Island the County requirement only calls for the covering of the same standing water.

The inspectors did note the advisory signs noting that cistern water is “non potable.” But that issue in itself is problematic as County Code Sec. 873.851. 2 states, “No person shall occupy any habitable building unless a safe and adequate supply of potable water is available.” It is pretty oblivious that the homes on Hen Island do not have an adequate and safe supply of potable water.

Although the inspectors did identify two of the homes on the north end as having inadequate coverings

and did identify both homes as breeding mosquito larva, they did not take larva samples from the cisterns that they felt were covered properly. Had they taken the samples from those homes (as I later did) they would have found a multitude of larva present along with the other non-potable issues noted above.

Additionally at cottage # 3 it was not noted that there were two 375 gallon horse troughs that were turned upside down - as to give the appearance that they were not in use - although prior to the inspection they had been very much in use for water storage.

As Inspector Ruggieio stated "Inspectors J. Ruggieio, M. Boda and M. Smith conducted a full inspection/Survey of Hen Island. First section of the Island was the North Island. Inspection of all homes showed most property owners are covering their Cisterns. Some are completely covered and others are covered with screening and wood."

For your assistance, to help your Inspectors and in the efforts of exposure, I have developed a flicker webpage of photographs taken during my follow-up inspection of Hen Island in the days after their July inspection. As you can easily see from the photographs the reports of your inspectors are much less than accurate. The web link is here - <http://www.flickr.com/photos/85899714@N06/>

One of the major sites that the inspectors have apparently failed to enter into their report are the acres of mosquito breeding fields from debris that have floated ashore or have been stored by residents. There are several locations on Hen Island that meet this description and this practice has been taking place for years.

A second major concern is the tremendous amount of stacked dead tree trunks, limbs and shrubs stored at the rear of cottages 1, 4, 5 and 6 on the North Island. This practice is also mimicked throughout the North Island on the Center and South Island's also. It should be noted that these issues were noted in a Hen Island Violation issued by the City of Rye in April of 2009. To date the violations outlined in that letter exist un-remediated, have not been noted in your inspection, nor has remediation been at all enforced by either Westchester County or the City of Rye. In your own letter you noted the encouragement of mosquito breeding in man-made containers and tree holes - yet your inspectors failed to identify any of these same conditions which have existed for years on Hen Island and were documented in that same Rye City Violation Notice from 2009. Pictures of these conditions can also be viewed at the above link.

On Page Two of Inspector Smith's comments about composting toilets he states "excess water from unit is being collected in sealed plastic containers to be taken off Island." His references to 'excess water' are again blatantly misleading and inaccurate. He is specifically referring to actual urine and diarrhea matter discharged from the composting system. There are two issues that the inspectors fail once again to candidly address;

1) As you are aware, before a composting toilet can be installed the homeowner must comply with minimum standards to treat gray water. That compliance has never taken place on any home on Hen Island. Ever.

2) Sec. 873.733. Disposal of offensive material. States "No person shall permit, deposit, store or hold any offensive material on any premises or place or in any building or structure unless such material is so treated, screened, covered or placed as not to create a nuisance detrimental to health."

Regrettably, your statements and the actions of your inspectors mimic those of one that would appear to be once again covering up very serious and evident public health matters that jeopardize the health, safety and welfare of the public. I'm sure you don't want to be in this position, one that Lenny Meyerson also hated and then suffered substantial career damage from once the county executive election campaign began, and his "services" were found no longer essential. I think if you take a longer view here the facts in evidence and widely available on the web are pretty simple.

In closing, you may not yet be aware that a nine year old Rye child with a compromised immune system has been diagnosed with encephalitis. The child's home is less than one mile from Hen Island. Although its vector has not been confirmed as of yet, I am hoping that the actions and inactions here of Rye Mayor Douglas French - and his White Plains political enablers - are not responsible for this child's illness or possible death. I don't think it's too late for you to step up to the plate and stop this cruel deadly nonsense.