

Ray Tartaglione  
101 Westmoreland Ave.  
White Plains N.Y. 10606

June 24th, 2009

**Dear Commissioner Meyerson:**

In response to your letter of June 16 2009, I find it distressing that you classify the roof water as cistern water. It should be classified as bird feces infected water stored in cisterns. Although you may be correct that there is no law preventing the use of cisterns, you fail to mention to the County Executive and Commissioner Lipsman that it is against County codes to occupy or inhabit any building unless a safe and adequate supply of potable water is available. Here is a reprint of the County and Rye City regulations:

**County Codes Regarding Prohibited Occupancies**

**Sec. 873.851. Prohibited occupancies.**

1. No person shall occupy any building, place or vehicle as a place of habitation unless adequate and sanitary facilities for the disposal of sewage have been provided therefore.
2. No person shall occupy any habitable building unless a safe and adequate supply of potable water is available.

**Sec. 873.700. Water Supplies Definitions**

**Rye City Code: 108-25 Plumbing**

**B. Water Supply.** Potable water from an approved source shall be available at all times in residential buildings. The domestic water supply system of the building shall be connected to such approved source and shall not be subject to contamination. When supplied from a public source, the potable water supply system shall not be connected to private or unsafe water supplies.

Your statement that, "there are no alternative water sources on Hen Island" also fails to inform County Executive Spano and Commissioner Lipsman that the Hen Island community has provisions in its deed to an easement for utilities. It can also access water conventionally by drilling an approved well as would be required anywhere in Westchester County if city or town water was not available.

Referencing your statements in paragraph two regarding sewage overflows, it is not only overflows which create violations of the code. Following is the County Health code with regard to exposure to sewage. It specifically states that, "No person shall construct, or maintain any privy, cesspool, sewage disposal system, pipe or drain so as to expose or discharge the sewage contents or other deleterious liquid or matter there from to the atmosphere or on the surface of the ground or into any storm sewer or drain nor so as to endanger any source of supply of drinking water nor so as to discharge into any water course or body of water ...".

**Sec. 873.731. Exposure of sewage**

No person shall construct, or maintain any privy, cesspool, sewage disposal system, pipe or drain so as to expose or discharge the sewage contents or other deleterious liquid or matter there from to the atmosphere or on the surface of the ground or into any storm sewer or drain nor so as to endanger any source of supply of drinking water nor so as to discharge into any water course or body of water unless approval for such discharge shall have been issued therefore in accordance with the provisions of this code or the Public Health Law.

Many of the sewage systems noted in my letter discharge sewage into the Long Island Sound. In previous conversations with me you admitted discharge was occurring and believed the amounts of discharge were insignificant compared to the size of the Long Island Sound. The laws and codes do not leave room for your personal interpretation. Your quantitative analysis, however, is also incorrect.

There is no need for “unannounced weekend inspections;” all that is necessary to witness violations is to flow, dye and perk test the systems. I am sure your tests will have the same results as ours have had in the past. Previously conducted perk tests revealed sewage pits in a two foot water table. Should you like to see the videotape of the test I would be please to make it available.

I am dismayed by your decision to continue to ignore code enforcement and the resultant deception of the County Executive and Commissioner Lipsman.

Very truly yours,

**Ray Tartaglione (Not “Ralph”)**

P.S.

As of last week, Cottage # 19 installed a new sewage system. While I applaud their efforts to avoid discharge into the Sound, their system lacks Health Department approval: they are no longer re-connected to a pre-existing septic system and now require approval.

CC: Andrew Spano