

August 3, 2007

Hand Delivery

Mr. Leonard Meyerson
Deputy Commissioner
Westchester County Department of Health

Mr. Vincent Tamburo
Building Inspector
City of Rye

Re: Hen Island, Rye, New York

Dear Sirs:

Thank you for your inspection of Hen Island on July 17, 2007. I write to reiterate the conditions which were observed during your inspection, all of which are violative of the Westchester County Health Code and Chapter 108 (section 108-40) of the Housing Standards Regulations of the City of Rye. While I fully understand your decision to give the violations regarding lack of compliant potable water and sewage discharge/disposal systems top priority, other violations are equally serious and impact directly on the health and safety of those residents and guests visiting and/or occupying homes on the island.

To begin, the mosquito problem is at its worst during the present part of the summer. Mosquito infestation on the island is presently so serious and pervasive that some residents are forced to remain indoors or, in one case, totally abandon the use of their island home. I annex an affidavit of one such resident for confirmation of what I am reporting to you and what I have experienced myself. Reference is made to § 873.831 of the County Health Code and § 108-40 of the City of Rye Housing Standards Regulations, which mandate the owner of the island (Kuder Island Colony, Inc.) to "...eliminate...insects...and to prevent breeding or harboring of such..." and that the island "...shall be maintained free of insect... harborage and infestation...", respectively. It should be noted, Kuder Island Colony, Inc. improperly and unilaterally issued a total ban on insect spraying, which is a substantial cause of the present mosquito infestation on the island.

Moreover, the failure of Kuder Island Colony, Inc. to implement a reasonable mosquito control plan is further evidenced by my lawsuit against it and the Court's issuance of a Temporary Restraining Order on May 31, 2007 which required, among other things, that Kuder Island Colony, Inc. "create and implement a mosquito control plan and, if necessary, the mandate to properly and appropriately spray Hen Island." Notwithstanding this Temporary Restraining Order, no reasonable mosquito control plan has been implemented and, as a result, the mosquito control problem has worsened and the violation of the County Health Code and the Rye City Housing Standards Regulations continue unabated.

Also, there are other non-compliant conditions posing significant dangers which, quite bluntly, are horrible accidents waiting to happen. To begin, there is pervasive use of non-compliant propane piping servicing many of the structures. One need only refer to the spectacular propane-initiated fire which occurred last year on the southern part of the island to realize what the next propane-induced blaze, caused by non-complaint propane apparatus, could cause in property damage, injury and loss of life. Equally dangerous is the continued existence of the many non-compliant electrical systems in the various structures located throughout the island.

Finally, your inspection revealed septic systems discharging sewage below the water line, existence of many dangerously damaged and/or abandoned structures and buried abandoned oil tank(s) and construction debris. On a less urgent note, as was observed, there remains one of the few (non-compliant) working outhouses in Westchester County.

I am hopeful that with your good offices, these conditions will be remediated and the public will be protected. I am respectfully requesting that the Health Department deal with this situation and issue any violations it deems ongoing as soon as possible. Thank you, in advance, for your continued cooperation in this regard.

Very Truly Yours,
Ray Tartaglione