

Parents Sue for \$15M in Son's Death

By Sid Cassese

STAFF WRITER

The parents of a 12-year-old boy who died a year ago after he was hit by a car in Uniondale as he headed home from school have sued the school district, Nassau County, Hempstead Town and the driver and owner of the vehicle for \$15 million.

Kryston Anthony Batson, the son of Gregory and Carol Batson, suffered fatal injuries when he was hit by the car on Jerusalem Avenue near Turtle Hook Middle School, which he attended. He died two days later, on Feb. 14, 2001.

The suit filed on behalf of the parents by Hempstead lawyer Frederick K. Brewington seeks damages for wrongful death, negligent road design and negligent supervision. It alleges, among other things, that the county and town carelessly designed, maintained and controlled the portion of street near the school, where the speed limit is 40 mph.

"After waiting a year for some positive change to take place, this family has stepped forward to speak for the children in the Uniondale community to make sure nothing like this happens again," Brewington said.

Residents and school officials have said they would like to see the speed limit near the school reduced. However, it is unclear who has that responsibility.

Hempstead Supervisor Richard Guardino said the town has no jurisdiction over Jerusalem Avenue.

"It is a county road and, in addition,



Newsday Photo / Dick Yarwood

Carol Batson holds a picture of son Kryston, 12, who was struck and killed by car near Turtle Hook Middle School in Uniondale last year. The speed limit near the school is 40 mph.

where schools are involved, the Nassau County Police Department does all of the surveys. They have the expertise. . . . [But] We are concerned about the safety of our children and think some action should be taken."

Guardino presented a letter dated June 13, 2001, in which the police said

the placement of a school speed zone near Turtle Hook "would not be in conformance with . . . [the] State Manual of Uniform Traffic Control Devices, which states 'a school speed zone should not contain any nearby traffic control signal' — and there are two traffic signal lights in the vicinity of the school."

But Steven Lester, the East Meadow lawyer who represents the lone Democrat on the town board, Dorothy Goosby, said the town does have the authority under state law to reduce the speed limit near a school.

"It is clearly a dangerous situation, and a state manual does not take precedence over a state law," he said. "And that's why Councilwoman Goosby is recommending that the town hold a public hearing to reduce the speed in that area."

Det. Lt. Kevin Smith, a Nassau police spokesman, said the department enforces the law but doesn't make it.

"And when we make a recommendation about traffic control devices, it is not arbitrary but based on the state manual."

Nassau Deputy County Executive Anthony Cancellieri said the administration of County Executive Thomas Suozzi inherited this situation, "but we are looking into it now, and if it is our responsibility, we will do what is right. And if it is the town's, we're sure they will also do the right thing."

Uniondale Schools Superintendent Mary Cannie said the issue has been a concern of district officials and many local organizations, "but it is a difficult process. . . . Give us the authority, and we'll take care of it. As it is, all we can do is keep on asking."

None of the defendants reached would comment on the suit. Beatrice Dsilva of Uniondale, the driver, and Arthur Grayson of Hempstead, the car owner, could not be reached to comment.