

**VILLAGE OF TUXEDO PARK
SPECIAL BOARD OF TRUSTEES MEETING
MARCH 20, 2013
7:00 P.M.**

Present: Mayor Thomas Wilson
Deputy Mayor David du Pont
Trustee Alan Heywood
Trustee John Kilduff
Trustee Liane Neuhauser

Clerk: Deborah Matthews

Also: John Ledwith, Carl Stone (W&S Engineering), Richard Golden, Esq.
Mary Graetzer, Mary Grimming, Jake Matthews, Kristian Matthews,
Sue Heywood, Bill Fairclough, Alan Yassky, Cindy Booth

Mayor Wilson called the meeting to order at 7:00 p.m. Trustee Neuhauser led the Pledge of Allegiance.

Tuxedo Road Causeway and Wall

Mayor Wilson stated that the reason for the meeting is the issue of the causeway wall on East Lake Road (Tuxedo Road) where a stone of about 200 lbs. fell out of the wall on the night of the BAR meeting, March 5th. He received a call at about 9:00 p.m. from Trustee Neuhauser, Attorney Golden, John Ledwith and Carl Stone, who were all on the site that night. They looked at the wall and Carl Stone determined there was a possibility of the wall failing and it being a threat to public safety. Mayor Wilson decided to shut down the road at around 9:30 p.m. until we could get more engineers out there within the next several days so that we could make a better determination of the wall and whether there was a real threat to public safety. Over the next several days we contacted Weston & Sampson and O'Brien & Gere and had them both go out to the site. Both firms wrote the Village letters coming to the same conclusion, saying that in their opinions the wall had failed, that it was just a matter of time before it did fall, it is a matter of public safety, and in their opinions the Village should shut down the road. We have kept the road closed until present day. In the past couple of weeks we have been trying to determine ownership of the wall which is a long term issue for the Village because there are a lot of walls in the Village. We don't want homeowners all of a sudden saying they don't own their walls and they want the Village to come and fix their walls for them. This is going to be an expensive project because it's a large wall and it's on one of the major roads in the Village so it requires immediate attention. We are in the process of doing some title searches, which Attorney Golden said he may have tomorrow or Friday. We also recently found a survey which we believe shows the wall is not owned by the Village, which leaves the Village a couple different recourses. One, we could ask the homeowner to repair the wall, or to at least take the wall down. If that's not successful, then the Village would have to step in and say that it is a threat to public safety and remove the wall or bring it down to a level that we deem safe. We are fortunate that the homeowner is here tonight and hopefully we can get some feedback from her. She has a construction representative with her, who can also give his opinion. We welcome every opinion

we can get on this issue because we want it to go smoothly and don't want it to get complicated with legal issues. We want to determine how we get the wall down to a safe level. We will open the floor to the public to get feedback.

Trustee du Pont recused himself because his wife works for the homeowner of the property where the wall is located.

Mayor Wilson also stated that he has a 1983 stamped survey that says the Village is not the owner.

Engineer

Carl Stone (W&S) summarized the inspection report of his firm's structural engineer, Jeffrey Budrow, who also inspected the wall. Both he and Mr. Budrow conclude that the wall is severely distressed in the bulging portion, mortar joints are opening, the wall could fail suddenly and it poses a threat to public safety. A copy of Mr. Budrow's report dated March 11, 2013 in which he detailed his inspection and rendered his recommendations is attached.

Also attached is the engineering report of Steven H. Snider, PE, of O'Brien & Gere dated March 14, 2013.

Building Inspector

John Ledwith met a few contractors at the site, and their conclusions were all similar. Each said the wall is in need of immediate repair.

Audience Speakers: Kristian Matthews, Alan Yassky, Bill Fairclough, Jake Matthews, Cindy Booth, David du Pont

Comments made by various people during the discussion: 1) the bulge in the wall appears to be 12 inches out of plumb; 2) the top of the wall is 6-10 inches out of vertical for a 180 ft. section; 3) put up a chain link fence along the wall and pin it back so the road can be opened; 4) determine ownership then the most cost effective way to deal with the problem; 5) the road isn't original but was put in by the TPA; 6) the wall is stone faced, built up with riprap and shot rock; 7) if the wall is fixed, put in drainage; 8) safety is the most important issue; 9) don't put up a temporary fence and then leave up for 15-20 years; 10) consider a repair sooner rather than later; 11) a cable fence is expensive to purchase and if the wall fell the fence would become tangled in the debris; 12) Tuxedo Road is a major thoroughfare for all trucks and there are vibrations there all the time; 13) infrastructure in the Village is failing; 14) the stone that came out couldn't have weighed 200 lbs.; 15) first time in 30 years a stone fell out; 16) whole situation blown out of proportion; 17) there are other walls throughout the Park in poor condition; 18) homeowner suggested speed bumps years ago to be put in on the causeway on both sides of the lake; 19) homeowner says the Village owns the wall; 20) why is construction allowed to continue on the Club boathouse; 21) the homeowner said emergency vehicles do not have access to her property because the road is closed or fuel oil delivery trucks; 22) drainage issues are the Village's problem; 23) set up a committee to go around with an engineer and measure all the walls to establish a baseline.

Response Regarding Emergency Access

David du Pont, speaking for the Tuxedo Fire Department, and John Killduff speaking for the Ambulance Corps, clarified that in an emergency, the vehicles would go through the closed road to access any home or building. In addition, oil delivery trucks, etc. are allowed access to the property.

Suggestions for Repair made by various people during the discussion:

It was suggested that the wall could be taken down to the horizontal line and the bank sloped back within 7 days. The stones could be kept together on a separate site using Village trucks. The slope could be cut back and "U" anchors used to anchor the dirt with a mat. Since water is coming from up above, hay bales would be used to slow it down. A cap stone could be put back on with no mortar.

Kristian Matthews and Bill Fairclough agreed to get together and coordinate their suggestions for an immediate solution so that the road could be reopened while a permanent repair plan is developed. They will report back to the Board.

Attorney- Rick Golden will forward the results of the title search to the Board when received.

Fence Pricing - John Ledwith will contact Yaboo fence to get a price for cable mesh fencing.

Authorize Sending Letter to Town of Tuxedo Zoning Board of Appeals

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Mayor be authorized to send a letter to the Town of Tuxedo Zoning Board of Appeals regarding the Village's objection to Nungin Sun Won Use Variance and Amendment to Special Use Permit Application for Tax Map No. Section 1, Block 1, Lot 34.1, File No. Z8607-017.

Vote of the Board: 5 ayes, 0 nays

The motion was passed by a 5-0 vote.

Attorney Client Session

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the Board enter an attorney-client session at 8:16 p.m. The vote was 5-0 in favor.

Adjournment

A motion was made by Mayor Wilson, seconded by Deputy Mayor du Pont that the meeting be adjourned at 8:20 p.m. The vote was 5-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer