

**VILLAGE OF TUXEDO PARK
SPECIAL BOARD OF TRUSTEES
JUNE 11, 2013
6:00 P.M.**

Present: Mayor Thomas Wilson
Trustee Alan Heywood
Trustee John Kilduff
Trustee Liane Neuhauser

Absent: Deputy Mayor du Pont

Clerk: Deborah A. Matthews

Also: Carl Stone, Village Engineer, Susan Goodfellow, Mary Graetzer, Cindy Booth, David MacCartney, Esq., Sue Heywood, Chris Sonne, Chiu-Yin Hempel, Anne Gwathmey, Rob Zgonena, Susan Rost, Susanne Williams, Mary Jo Guinchard, Steve Maurer, Michael Bruno, Aleksander Jakowec, Diane Larsen, Seth Denberg, and others.

Mayor Wilson called the meeting to order at 6:00 p.m. He stated the purpose of the meeting is to discuss some motions under consideration by the Board regarding the Tuxedo Road Causeway Wall, the SEQRA process, specialized services and competitive bidding.

A meeting was held this morning with Trustees Neuhauser and Heywood, Village Engineer Carl Stone, Jeff Voss and Tom Derbyshire (DPW), Chief Sanford, John Ledwith, and Kristian and Jake Matthews of Legacy Stoneworks regarding the dismantling and rebuilding of the wall. Contrary to erroneous emails being circulated, it is not the Board's intent to demolish the wall. The intent is to take it down to 3' to do the necessary repair work and then rebuild it to the current height. The result of the meeting made it apparent to all that the Village needs to have a very clear disassembly and stabilization plan for the wall.

Trustee Neuhauser has done research on properties listed on the National Register of Historic Places regarding any restrictions or regulations that might apply to the Village's situation. From the National Register Website she quoted: "a property owner can do whatever they want with their property as long as there are no Federal monies attached to the property."

Village Engineer Carl Stone gave a brief presentation of his findings from the exploratory excavation work done last week. His findings indicate that the wall is clearly tipping forward possibly from years and years of freeze/thaw of the earth behind it. He presented pictures and diagrams supporting his findings.

Some Other Comments Made by David MacCartney, Mayor Wilson, Carl Stone, Cindy Booth, Mary Jo Guinchard, Trustee Neuhauser, Rob Zgonena, and Anne Gwathmey:

MacCartney – there's a big difference between a wall actively tipping and one that moved.

Wilson – is a tipped wall 14 inches off center safe?

MacCartney – he would consider it safe based on a report from Brooker Engineering. Would monitoring be considered to ascertain if it's presently moving?

Stone – it could be done but monitoring as a solution is, if it does move, it could set into motion a sudden failure.

Wilson – who has the liability if something happens?

MacCartney – one stone popped out, the first in 35 years. There's no emergency as there's no evidence of recent wall movement. Should monitor it and examine other alternatives besides dismantling and rebuilding.

Wilson – safety first and then dollars and cents.

MacCartney – outlined procedures suggested by Brooker Engineering for laying concrete behind the wall to anchor it.

Wilson – it's been 3 months and he hasn't seen any viable plans presented for consideration from Mrs. Booth.

MacCartney – Mrs. Booth has no intention of providing the Village with any plans since the Village has its own engineer.

Booth – when the excavation was done, it had rained for 2 days and when they got down to the shot rock, it was completely dry, proving the drainage system is working. A water bottle placed on top of the wall capstone did not move when the excavator bucket was slammed into the shot rock.

Stone – that doesn't prove anything.

Guinchard – what measures does the Village have in place to contain all the soil that would be exposed if the wall is taken down?

Neuhauser – was discussed at this morning's meeting as well as the great concern for soil stabilization and contamination of the lake by the soil.

Wilson – the Village needs to determine financing for the work because Mrs. Booth has disavowed ownership of the wall.

Zgonena – two sections of the Darby wall on Tower Hill Road have collapsed and why hasn't Tower Hill Road been closed to traffic?

Neuhauser – the Building Inspector sent the Darby's a letter several weeks ago about their wall. It appears the stones haven't gone further than the gutter. Mr. Darby responded and said he is in the process of getting someone to make the repairs.

Zgonena – why was the Causeway closed because of one stone and Tower Hill still open? He suggested opening the Causeway and closing Tower Hill Road and rerouting the traffic.

Gwathmey - can the Village post signs on the Causeway saying 'drive at your own risk' and reopen the road?

Wilson – under NYS law the Village cannot waive that liability.

Zgonena – again wanted to know why Tower Hill Road was not closed.

Wilson – the situation on Tower Hill Road is ongoing.

Zgonena – he owns property on Tower Hill Road across from the wall and he is concerned the vibrations from the increased traffic will make the wall fall further and adversely affect his property.

Wilson – he will have the Village Engineer look at the wall and determine if the road should be closed.

Gwathmey – who will decide what will happen with the Causeway wall and when?

Wilson – he has been discussing the issue with the Trustees. Someone will have to pay for the work and determine the ultimate liability for the cost later. The Village will need to have Engineering plans drawn up for the work (Weston & Sampson, O'Brien & Gere, or an historic structures engineering firm), as well as financing.

Guinchard – the Village should look into a grant to pay for the work and it might be available because of the historic significance of the wall.

Wilson – the Village typically does not seek grants.

MacCartney – did some research and because the Village is on the National Register of Historic Places, it would be eligible for several grants.

Wilson – the Village will look into every possibility.

Repair and Maintenance

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the Board declare the repair and maintenance of the Causeway Wall on Tuxedo Road to be a Type II action under SEQRA, as the first phase of the Village's dismantling of the Booth wall to allow the reopening of the Causeway is but a part of the curative Booth project to repair the wall that involves no substantial changes to an existing structure, which therefore is not subject to review under SEQRA.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Specialized Services

A motion was made by Mayor Wilson, seconded by Trustee Neuhauser that the Board declare the stonework necessary to dismantle the Causeway Wall on Tuxedo Road down to a level of approximately 2-3 feet as the first phase to repair the Booth wall requiring the specialized services of a stone mason experienced in a similar stone wall construction, exempting it from the public bidding requirements otherwise applicable to the public works.

Vote of the Board: 4 ayes, 0 nays

The motion was passed by a 4-0 vote.

Adjournment

A motion was made by Mayor Wilson, seconded by Trustee Heywood that the meeting be adjourned at 7:22 p.m. The vote was 4-0 in favor.

Respectfully submitted,

Deborah A. Matthews
Village Clerk-Treasurer