

June 7, 2013

Dear Ms. Booth,

Thank you for allowing test pit excavation behind the retaining wall that borders East Lake Road on Tuesday, June 4th.

The Village engineer on site, Carl Stone from Weston & Sampson, continues to believe that the upper 6-foot section of wall was built at a date later than the lower 2-foot section of wall; and that the upper 6 feet is tipping from the joint between older and newer walls in the East Lake Road direction. Carl Stone was used for this opinion because the Village could not get engineers, O'Brien & Gere, on site in the short time frame available due to re-scheduled excavation dates and the weather forecast.

In addition, there does not appear to be any reinforcing bars in the newer wall, nor any drainage pipe behind the wall, to alleviate tipping pressure from soil and water against a pure gravity wall.

Based on new observations from the test pit excavation behind the wall, and previous inspections from East Lake Road in front of the wall, the Village of Tuxedo Park continues to believe that the leaning section of the wall provides little to no factor of safety; and can fail catastrophically without warning.

You were sent a notification on May 7th, providing you with 10 days to bring the wall down to approximately 3 feet, to allow the Village to re-open East Lake Road. The Village informed you that if the corrective work was not completed in the 10 days, it may take whatever action is necessary to bring the wall down to a safe height.

We appreciate your cooperation in working towards a potential resolution of this matter, including allowing excavation work to proceed on the back side of the wall. However, as noted above, the viewing of the wall from the back side has simply confirmed that the wall cannot remain as is, and it is time for the Village to act to re-open East Lake Road.

This email is written confirmation of your phone call conversation with Trustee Neuhauser on Friday, June 7th, informing you that the Village will remove the unsafe, approximately 6-foot newer section of wall beginning Tuesday, June 11th, to allow the re-opening of East Lake Road.

It is our sincere hope to avoid litigation, and look forward to working with you on new landscaping plans, and/or other measures concerning the wall going forward, to provide an acceptable resolution to all.

Sincerely,

Mayor Thomas Wilson  
Village of Tuxedo Park, New York