

Dear Wee Wah Beach Club Members,

Since February several members of the Wee Wah Beach Club executive committee have been trying to negotiate a new lease agreement with the Village of Tuxedo Park. We answered questions posed by the Village trustees at their March 24th public meeting and subsequently met with Mayor McFadden. The mayor has suggested a total revamping of beach operations with the Village of Tuxedo Park holding the permit and running the beach. While he has stated that the relationship with Hamlet members would be retained, this plan would eliminate the Wee Wah Beach Club, an organization which has been functioning for 87 years. Below is the most recent communication we have received from Mayor McFadden and our response to his letter.

As always, your support is appreciated. If you are a Tuxedo Park constituent, please consider reaching out to the Board of Trustees to voice your opinion and support of the Wee Wah Beach Club. Their emails addresses are as follows:

Mayor David McFadden: dmcfadden@tuxedopark-ny.gov

Trustee Alan McHugh: amchugh@tuxedopark-ny.gov

Trustee Paul Gluck: pgluck@tuxedopark-ny.gov

Trustee Tinka Shaw: tshaw@tuxedopark-ny.gov

Trustee Chris Kasker: ckasker@tuxedopark-ny.gov

With many thanks for your continued support,

Wee Wah Beach Club

From: Wee Wah Beach Club

Date: Thu, Apr 8, 2021 at 10:02 PM

Subject: WWBC Proposal

To: David McFadden

Cc: Paul Gluck, Alan McHugh, Chris Kasker, Tinka Shaw, WWBC Board

Mayor MacFadden,

On behalf of the WWBC, please note our response to your e-mail.

While we can appreciate that as a Village fiduciary, you have put forth a plan to take over the day-to-day operations of the Wee Wah, the WWBC feels that this is a serious undertaking and that careful consideration and analysis should be conducted before choosing this path. Some of our concerns include:

1. We understand that you would like to open the beach from 9 -8 daily. By law there must be at least 1 lifeguard, 1 checker and in order to operate under COVID rules, a third person is needed. Staffing costs just to operate the Beach for the hours you are suggesting will be approximately \$500 - \$550/day. If you open and operate for those hours every day from Memorial - Labor Day it will cost approximately \$50,000 - \$55,000 just in labor. We do not believe that this will be a money-making venture for the village as you anticipate.

2. If the Village is unable to operate every day for those hours, then it will need to ensure that no residents are swimming in the WWBC or using the beach swimming facility during off hours and there are only 2 police officers on duty at any one time. If the Village does not "police" this, the liability issues mentioned below, may also increase.
3. The Village has never operated the Beach Club as we mentioned there are permit requirements, safety plans, employment regulations, membership tracking, staffing issues (hiring, training, scheduling, supervising etc...) inspections, opening and closing operations, yoga to schedule and other COVID related issues that the Village would need to immediately undertake this year. You will need to ensure that someone within the Village can take over all of the above duties.
4. Only members of the WWBC or persons who own property on the Wee Wah are permitted to swim in the Wee Wah, your proposal would require a change to the Village code. We do not believe the law can be changed in time for the Village to open the Beach this summer. This will essentially impact all of the Village resident WWBC members and could result in illegal swimming in the WWBC.
5. WWBC runs and operates the Beach and we keep a hefty insurance policy and assume liability related to the operation of the Beach Club. If there were to be a problem the WWBC insurance policy would be primary and the Village policy would serve, if at all, as secondary coverage. By assuming the operations, the Village loses the buffer should there be an issue at the beach.
6. The Wee Wah Beach permit is currently grandfathered in under a non-conforming use permit, as the retaining wall would not be permitted if this were a new Beach. If the permit holder changes, does the grandfather clause still apply or will the transition of the permit force the new permit holder to undertake expensive modifications to the Wee Wah.
7. The equipment (raft, ropes, etc...) are the property of WWBC not the Village.
8. Your e-mail (below) state that "the Village loses money" because WWBC operates the beach. Other than having the DPW perform basic maintenance functions for the park (which they do anyway because the park is also opened to Village residents in off hours), it is unclear how the operation is a drain on the Village finances.

We trust that this issue will receive its own line item at the next evening Village Board Meeting so that the ramifications can fully be discussed between the Village Board, WWBC and Village residents.

As a reminder, last week we sent you a draft Lease and requested that the Lease be discussed for approval at the next meeting so we can start our opening process. For your convenience, we have reattached the draft lease.

Best,

WWBC Executive Board

From: David McFadden,
Sent: Wednesday, April 7, 2021 4:05 PM
To: From: Wee Wah Beach Club
Cc: WWBC Board; Tinka Shaw , Chris Kasker, Paul Gluck, Alan McHugh
Subject: RE: WWBC Proposal

Hello,

As a temporary guardian and fiduciary of Village finances and taxes, my role is to do what is best for the Village and specifically where Village property is involved.

My solution is a win win for the Village residents and residents of the Hamlet.

If the WWBC manages the Wee Wah Lake park the Village loses money. If the Village manages the WWBP the Village makes money.

The idea that the Village managing the WWBP is a threat to Hamlet membership is false. For years, the lease agreement has had a clause allowing the Village to shut down the WWBC at will. Further, any future Board can stop Hamlet membership. So us managing the WWBP v. the WWBC managing the park has identical risk. This is NOT about breaking the tradition, obviously, or I would request a resolution doing so. As you know, I have always been a supporter of the Hamlet membership. Once personally raising \$5,000 in donations for the WWBC.

I will be pushing the Board for the Village to manage the park beginning this year. We will do our best. I have checked with the DOH and this year because of COVID-19 the membership remains at 50% capacity. I estimate a net income of \$10,000 this summer and have appropriated \$5,000 for improvements during the month of May.

I hope you will respect my duties as a fiduciary of the Village.

Thanks,

Mayor Mac