

# Newsday

## Steeped In Frustration Residents, town dispute repair of Thixton Creek wall

by Deborah S. Morris, Staff Writer

In the past when Norman Goldberg looked out from his pristine white living room to his backyard, he admired a neatly manicured landscape, which featured an in-ground pool and beautifully pruned spruce trees.

"Look at my trees. I can't even save my trees," sighed Goldberg, a 20-year resident of a neat, single-story home that sits along Thixton Creek in East Rockaway.

Now when he looks out into his yard he sees a mangled mess with his beloved trees sliding into the canal along with the whole length of his backyard.

For Goldberg and other homeowners along the north end of Thixton Creek, life has not been the same since torrential rains in mid-October literally began to turn their properties upside down.

Building inspectors believe that eight straight days of rain weakened the three-decades-old timber bulkheads along the creek, a saltwater channel that flows into Hewlett Harbor, causing the walls holding back the soil on the bank to collapse. That collapse sent parts of the backyards of Goldberg and his neighbor, Harold Akron Gold, into the water and caused another neighbor's home to be condemned after town building inspectors ruled it structurally unstable.

Damages could reach six figures for the owners of these million-dollar homes. If the bulkheads continue to collapse, other residents along the canal could be affected, the homeowners said.

When the bulkheads - retaining walls built along a waterfront - collapsed, residents looked to the Town of

Hempstead to rebuild them. But the town said it was not responsible, creating a hot-potato issue, according to the residents.

The homeowners contend that when the town built the bulkheads 35 years ago, it issued a document stating that it owned them. None of the affected residents has a copy of the document, and they say the town won't let them see its copy.

Tom McKeivitt, the Hempstead Town attorney, tried to clear up the situation. He noted recently that the town hired a contractor in 1967 to straighten the creek and put in the bulkheads. A 20-year special bond was issued, he said, to be paid back by the homeowners along the creek through assessments that were put on their tax bills until 1989.

So whoever owned the homes paid for the bulkheads through this special bond issue, McKeivitt said.

"It clearly states that the responsibility of the property is the owners'," McKeivitt said.

Newsday has obtained a copy of an area map produced to accompany the bond issue. It states that the homeowners were to take responsibility for the bulkheads at the end of the repayment plan.

But Goldberg has maintained that he hasn't heard from the town. He and Akron Gold said they filed petitions under the Freedom of Information Act late last year seeking to get the Town of Hempstead to release information about the missing documents.

McKeivitt said the town had received two FOIA requests - one in early December and one more recently - and had responded to both.

But Robert Tils, Goldberg's attorney, said the town's response was inadequate, noting he had seen copies of the town board resolutions and a copy of the area map that accompanied the bond issue. "We think there is more. We'd like to see the document we were told exists. There must have been contracts and permits issued," Tils said.

"They have just abandoned the community," Akron Gold said.

In an effort to help the cleanup after the October storms, Sen. Charles Schumer (D-N.Y.) wrote a letter to Gov. George Pataki, urging him to ask the Federal Emergency Management Agency to help local governments on Long Island. The request was denied.

Akron Gold, who has lived on the creek for 40 years, said he is ready to take on the town. "They have said to us: Sue us [to get the document], knowing that the cost to everyone will be extraordinary," he said, adding that the residents are preparing to do just that.

"I'm going to sue them for an order to show cause. But why should I have to do that?" asked Goldberg. "It's going to cost me thousands of dollars."