

-- Davis Park FIMI Doc 5 --

Notes from FIMI Meeting in Davis Park

October 4, 2014

Guest Speakers on Panel:

Tim Bishop, Representative US Congress

Gil Anderson, Suffolk County Commissioner of Public Works

Robert Vohden, USACE (US Army Corps of Engineers) representative

John Lund, VP. DPA, Moderator

GA: The ROE can be re-negotiated from 3 years to 1 year. OK to cross-out 3 years and insert 1 year, initial it, on ROE document. People who have already signed the ROE document can re-submit with 1 year. The original purpose of the 3 year period was to take us into FIMP and there would be no need to sign again.

Question: Does the appraiser need to gain entry into the house?

Question: The wording on the ROE is not acceptable, can it be changed?

GA: Will seek answers to the above questions. If there are any questions regarding the project, language, etc., please submit to GA and he will review and provide answers.

GA: No one wants to take the houses/buy property. If we can move the house, rotate it, cut it, it will be done.

GA: The Dune Line has been established by various agencies and it has been determined as the best location. Included in the determination is USACE knowledge and cost benefit analysis. The Dune Line will be established in perpetuity. The Dune Line will be maintained and if sand is lost, it will be replaced in the same location.

TB: The Dune Line has been placed as far south as it could be placed to insure as few homes as possible would be taken as well as reasonable insurance for cost benefit. The line provides a balance between the maximum amount of storm protection relative to protecting costs.

SG: (Suzy Goldhirsch, FIA President) We live in the national seashore which is a hybrid. Everything must be in agreement with the DOI (Dept of Interior) and USACE. The DOI believes in the natural process, and is reluctant to build dunes, while the USACE believes in building sand dunes.

TB: The purpose of FIMI is to stabilize the beach and to prepare for the FIMP project.

SG: The Easement can be assigned to a different entity/permittee. If the project is de-authorized by Congress, the Easement can revert back and be returned to the homeowner.

GA: Confirmed the Easement is held by the County. He also confirmed that FIMI is a 1-time placement of sand by the USACE. The County is committed to an annual maintenance inspection of the Dune Line which will be performed by the County and DEC. The Easements will help defend not moving the line again, subject to any future changes. GA will clarify what "subject to any changes" means.

TB: The beach will have a new status as a USACE project and therefore will be eligible for repair. Previous USACE projects have been repaired to their original design specs.

Question: Can we include in the Easement a "hold harmless" indemnification clause.

JL: Currently, and for some years now, sand and snow fencing have been placed on beachfront property without any provision for a "hold harmless" indemnification, and future conditions would remain basically the same.

JL: Confirmed that in 2008 we placed 298 cy (cubic yards) of sand. This project will have 735 cy, or 2.5

times the 2008 amount.

GA: Survey contractors will be required to have a "hold harmless" clause in their contracts. It is planned that the surveys will begin next week. Survey work can proceed regardless if homeowners do not sign the ROE. Once done, the surveys and the location of the Easement will be sent to the homeowners for review.

Question: Since homeowners seem to be most concerned with the Perpetual Easement, can this be changed to a limit of 10 to 15 years with provisions for automatic extensions, as long as the project continues to be authorized by Congress. Homeowners are very skeptical since history shows that 1) the FEMA promise of nourishing our engineered beach never happened and 2) the FIMP project which has been under review for many years has never reached fruition.

GA: Will look into the possibility of limiting the Perpetual Easement to a shorter period of time.

Question: Regarding the relocation, rotation and cutting of homes, building permits and Board of Health approvals will be needed from the Town and County. Will the County help in facilitating that the permitting work gets done quickly and easily?

GA: The County will help expedite what needs to get done to acquire building permits, health approvals, etc. quickly. TOB (Town of Brookhave) has also stated they will help with permits and variances.