

FIMI Stakeholders Call Held September 1, 2016 MINUTES Sent 9-29-16

Members of the FIMI Project Team on the call: NYSDEC (Sue McCormick, Andy Fera, Lynn Lindskoog); US Army Corps of Engineers (Frank Verga, Lynn Bocamazo); and Suffolk County (Gil Anderson, Gail Lolis, Bob Whelan)

The following representatives were on the call:

- Elected Officials: Tim Ursprung for Congressman King
- National Park Service: None
- Town of Brookhaven: Greg Strong
- Fire Island Association: Suzy Goldhirsch
- Fire Island Emergency Services: None
- Year-Around Residents Association: Dawn Lippert
- Communities: Those who indicated they were on the call were: Marsh Hunter (Kismet); Mario Posillico (Saltaire); Gene Levy (Fair harbor); Cathy Bimberg (Dunewood); Jesse Ostrow (Lonelyville); Alan Altman (Robbins Rest); Carey Lyons (Summer Club); Don Sussman (Corneille); Mayor Mallott and Steve Brautigam (Ocean Beach); Tom Ruskin (Seaview); Karen Kee (Ocean Bay Park); Jeff DeJarnette (Point O Woods); Alison Amron (Cherry Grove); Suzanne Johnson (Water Island); and Jayne Robinson (Davis Park).

Please let Sue McCormick know if anyone was omitted from this list at susan.mccormick@dec.ny.gov.

Stated purpose for the call: To provide a general update on the status of the FIMI Project in the 17 communities including technical, real estate and schedule information. Allow communities to ask questions that are related to the whole Project that all would be interested in hearing. Ensure that everyone is getting the latest and same information at the same time.

What the call is not for: Discussion of issues that are specific to a given community. Specific issues can be emailed to Sue McCormick and the FIMI Team will contact that community to address their specific concerns and issues.

General:

The County's FIMI website can be found at www.suffolkcountyny.gov/fimi

Please note that as the project is designed and the real estate is obtained that ALL SCHEDULES, PLANS, PROCEDURES, PROCESSES, PLACEMENT LOCATIONS, AND THE ORDER OF WORK ARE SUBJECT TO CHANGE. WHAT IS STATED ON A CALL OR PROVIDED IN THE MINUTES FOR A CALL CAN CHANGE AT ANY TIME.

Project overview and status: [NOTE: Some information and answers given on the call have been updated to reflect recent changes.]

There are eight (8) FIMI Contracts that the Corps will enter into for construction of the project which are described in more detail below. They will all be bid out separately as the real estate work and engineering are completed for each. Please note that the order of the contract number does not necessarily correspond to the order in which the work will be done.

Construction:

Contract 1: Smith Point County Park (SPCP): Work is 100% complete. The Operations and Maintenance Manual is being developed.

Contract 2: Robert Moses State Park (RMPS), Lighthouse Tract, Kismet and Saltaire: All sand placement is complete. The 200,000 CY of sand left to be placed in RMSP at Field 4 and the 20,000 CY to be replaced in the RMSP stockpile to replace the sand taken for the emergency repair at Robbins Rest will begin ~September 30th under Contract 3A by Great Lakes Dredge and Dock (GLDD). All crossovers have been completed. The stairs on the Kismet crossovers will be widened this fall and an ADA crossover will be built in Kismet. The Operations and Maintenance Manual is being developed.

Contract 3A: Fair Harbor to Seaview - all aspects of work: The Notice to Proceed was issued to GLDD on September 8, 2016. The sand placement in RMSP will begin the week of September 26th. The sand placement in the communities is scheduled to begin in Seaview in mid-October. The removal of crossovers, installation of piles and placement of stabilization-mats is nearing completion in Seaview. The next community for the crossover removals will be Ocean Beach in October. We understand there are issues with the placement of piles in the existing dunes as well as the placement of the stabilization mats and we are currently working to resolve those issues with the Corps and GLDD. The County obtained the necessary variance from the Town of Islip for the single relocation within Dunewood and are now working to get previous covenants and restrictions revised to conform to the current plan. The terms of the Relocation Agreement have been finalized with this owner. Sand placement for Contract 3A is expected to be completed by March of 2017.

Contract 3B1: Ocean Bay Park to Davis Park: This contract involves the sand placement and dune crossover construction work. Design work is ongoing.

Contract 3B2: Point O Woods, Fire Island Pines and Water Island: This contract involves deck, pool, crossover and wall removals. Engineering work is ongoing.

Contract 3C: This contract involves the relocation of the Village of Ocean Beach well. Engineering work is ongoing.

Contract 3D: Ocean Bay Park: This contract involves the house demolitions, creation of a right of way between Cayuga Avenue and Midway Street and the Suffolk County Water Authority water main relocation under a portion of Traffic Avenue all in Ocean Bay Park. Engineering work is ongoing.

Contract 3E: Relocations: This contract involves house relocations on the existing parcel which includes up to 13 houses in Davis Park. It is expected that the home elevations in Ocean Bay Park and Point O Woods and the potential relocation in Fire Island Pines will also be in this contract.

NOTE: All work in Contract 3B2, Contract 3D and Contract 3E must be completed before sand placement can begin under Contract 3B1.

Engineering for Ocean Bay Park to Davis Park:

Dune crossovers: The community leaders in the individual communities have been contacted by NYSDEC to discuss the type of crossovers to be constructed in their community. There are several design templates that were designed by the Corps after input by the various communities and the discussions are currently being held to determine which type of structures and sizes are desired by the individual communities.

Stabilization-mats will be used to provide temporary beach access between demolition of the current crossover and the construction of the new crossover, the same as in Contract 3A. This will allow foot traffic across the existing dune and once in place, the new dune, until the new crossovers are constructed.

Surveying: Water Island: Surveyors have inspected all properties to locate existing features that have been added since the original survey such as pools, decks, etc. or features originally missed. They are also working on resolving issues with the southerly property lines.

Estimates: County consultants have been developing cost estimates for construction of private crossovers and other improvements to enable appraisers to complete their work. The private crossover estimates have been completed and the remaining estimates will be completed in late September/ early October.

Relocations: The County submitted plans and applications to the Town of Brookhaven Building Department. Plans have been revised and resubmitted in accordance with their requirements. Town DEP applications have been submitted. Some applications were not signed by the property owner so Gil signed them to keep the process moving. We will need owners' signatures before the permit applications are approved. Applications have been forwarded to all homeowners for signature. We are waiting for a few applications.

Fire Island Pines: All permit applications signed to date have been submitted to the Town Building Department and DEP. There are a handful of plans and applications that are not complete as we are waiting on owner representative responses. County is reaching out to them to scheduling signing of applications.

Water Island: There are two impacted property owners. The County has discussed options with both and plans are being designed. The FIMI Team met with the Suffolk County Water Authority (SCWA) to discuss the extension of public water for fire protection services in Water Island. We are exchanging data to insure the main is constructed appropriately outside of the dune footprint. Construction of the main is expected this fall.

Contract 3C: The County's consultant is proceeding now that we have received a letter from the Village stating that the southerly wells will be removed from future requests for aid should they be damaged in a storm after the two new wells have been constructed (one by the Village and one under FIMI). We are trying to streamline the design schedule to be able to complete this work before next May.

Contract 3D: Suffolk County held an Eminent Domain Public Hearing to consider acquiring land or easements to create a road that will connect the Cayuga Avenue Right-of-Way to Midway. The hearing closed on September 26th. Determination and Findings have been made and a Synopsis of

the Determination and Findings will be published in the local papers in accordance with the EDPL law. Plans and construction documents will follow as appropriate. Plans have also been developed for the Traffic Avenue water main relocation. We met with SCWA to discuss details of the plans in order to insure their requirements are met both in materials and workmanship. We will be talking with Fire Island emergency services and Ocean Bay Park to review the plans as well as making sure the new fire hydrants are located pursuant to their needs and approval.

Real Estate for Ocean Bay Park to Davis Park:

Most of the real estate is in the engineering phase as described above. For all of Contract 3B, appraisals are still coming in and the Corps is still processing approvals. Once most of a community's appraisals have been approved, offers will be made in that community.

The Relocation Agreement was sent to the applicable property owners in July. Discussions over the terms are ongoing with owners' attorneys. The Corps will need to approve any revisions needed.

Ocean Bay Park: The County filed the eminent domain proceeding for all fee and easements with the exception of a few on the east end. The petition was returnable on September 1st. Counsel for the majority of the Ocean front property owners made a last minute objection to the vesting order being signed which has delayed the issuance of the order and the ability of the County to vest on these properties. The County continues to wait for the order to be signed. Only after the County vests, can it seek an order granting a date certain for possession. The Army Corps is intending to begin work in this community in December 2016 and it is unknown if these actions will delay the commencement of work in December. The County completed the additional public hearing under the eminent domain procedure law for the addition of a strip of land on the eastern end of the community. There are still more steps to follow before the County may pursue additional acquisitions.

Point O Woods: The County finalized the relocation plans with the impacted owner and discussed with another owner the plans to relocate a septic system. Final plans are being developed and applications for municipal approvals have been sent to the owners. Appraisal review is ongoing.

Cherry Grove: Appraisals are ongoing. Federal litigation was commenced to enjoin the County from acquiring certain oceanfront properties in Cherry Grove. The County has submitted their opposition papers. Oral argument is scheduled for October 7th. The real estate for this community is all under the sand placement contract (3B1) so it will not hold up any of the other civil work contracts.

Fire Island Pines: Appraisals are ongoing for the impacted properties. The non-impacted property appraisals are in various stages of review whether with the County or the Corps. We have gotten several appraisal approvals from the Corps.

Water Island: Appraisal inspections are underway. Engineering was assigned on two properties that have impacts to their structures and discussions with the owners have been had. One of the plans was acceptable to the owner and one was not. The Team is reconsidering the latter in hopes of reaching an amicable solution.

Davis Park: All appraisals are done. Some are still under review by the Corps. Offers should be extended for all of the relocations in early October. We are hoping we will be able to extend offers to the easement parcels at that time too but that is not probable.

Schedule update: ALL SCHEDULES ARE SUBJECT TO CHANGE. It is impossible to predict all possible issues that may arise that could change the schedule.

Contract 3A:

Corps pre-advertised (a notification that a contract is coming out) contract DONE March 4, 2016
County obtained all real estate DONE April 5, 2016
NYS certified real estate to the Corps DONE April 7, 2016
Corps advertises the contract for bid after real estate is certified DONE April 29, 2016
Corps opens bids DONE June 21, 2016
Corps awarded contract DONE August 3, 2016
Corps issued Notice to Proceed DONE September 9, 2016
Work for dune crossover demolition in the communities BEGAN September 15, 2016
Work for house demolition BEGAN September 26, 2016
Sand placement in RMSP BEGAN week of September 26, 2016
Sand placement in Seaview is expected to begin in mid-October 2016 and will go west.

Contracts 3B2, 3D, and 3E: The civil work will be bid in three separate contracts. The bid for each contract will be put out once the real estate for that particular contract is completed. Below is a tentative schedule for Contract 3D. These contracts could start sooner or later depending on the engineering and real estate completion.

Contract 3D – VERY TENTATIVE:

Corps pre-advertises (a notification that a contract is coming out) contract October 2016
County obtains all real estate October 2016
NYS certifies real estate to the Corps October 2016
Corps advertises the contract for bid after real estate is certified October 2016
Corps opens bids November 2016
Corps expects to award contract December 2016
Corps expects to issue Notice to Proceed within 2 – 3 weeks of contract award
Work starts after Notice to Proceed depending on contractor's schedule

Contracts 3B2 and 3E: (Contingent upon time necessary to get building, ZBA and CEHA approvals from Town of Brookhaven)

Corps pre-advertises (a notification that a contract is coming out) contract November 2016
County obtains all real estate late November 2016
NYS certifies real estate to the Corps early November/December 2016
Corps advertises the contract for bid after real estate is certified December 2016
Corps opens bids January 2017
Corps expects to award contract in late January/February 2017
Corps expects to issue Notice to Proceed within 2 – 3 weeks of contract award
Work starts after Notice to Proceed depending on contractor's schedule

Contract 3B1: Sand placement will follow behind the three civil works contracts and is anticipated to begin work in fall 2017 after **all** civil work is completed. It will be bid once the

civil work is underway. At this time, it is anticipated that no sand will be placed over the summer beach season.

Contract 3C: No schedule because the engineering work is still ongoing.

Reponses to Questions from June 30th call that were not provided in the minutes:

None.

Questions: Please keep questions to those that relate to the entire Project. Please email community specific questions to Sue McCormick. If the FIMI Team can't answer a question on the call, we will try to answer it in the minutes; if not, then on the next call. There will be typed minutes of the call so all have the same information in writing which will be distributed as quickly as we can.

Question #1: There is no mention of the demolition schedule for the house in Robbins Rest. When will it be done? The emergency dune and temporary crossovers don't need to be removed to do the demolition.

Response #1: The demolition began September 26, 2016 and will take approximately 2 - 3 weeks.

Question #2: Can the Operation and Maintenance (O&M) Plans be shared with the communities? Can you circulate the Contract #2 O&M Plan to all communities, just the parts that pertain to the communities?

Response #2: This request is under consideration.

Question #3: Are the Davis Park Relocation Agreements (RA) out yet? The owners are concerned about obtaining insurance when the houses are on a temporary foundation. What can we do? Can the owners be compensated for obtaining the insurance?

Response #3: Yes, the RAs are out. Owners will not be asked to sign RAs until they are first extended buyout offers. The RA requires homeowners insurance and a builder's risk policy to protect the house while it is in the process of being relocated including the time it is on a temporary foundation known as cribbing. Damage to the structure caused by a weather event or storm surge (Act of God) may not be blamed on the contractor absent negligence. Some owners have indicated difficulty obtaining this insurance and the Team is looking into this. The County is open to suggestions. Owners cannot be reimbursed for the cost of obtaining the insurance to protect their properties. Owners need to take this into consideration when signing the RA.

Question #4: We need access for year-arounders and emergencies on Burma Road. Can the contractor fix damages to the road?

Response #4: The contractor is responsible for damages he causes. Access for contractors is along the beach, not Burma Road. We understand there will be more year-arounders using Burma Road when they can't use the beach. We can continue to discuss this.

Question #5: Where will the contractor stage equipment for Contract 3A?

Response #5: Staging areas for Contract #3A are still a work in progress and not yet finalized.

Question #6: How will the houses be removed from Fire Island in Ocean Bay Park?

Response #6: The Contractor is hauling material off using trucks via the beach and the Kismet vehicle crossover. Crossover debris is also being removed the same way.

Question #7: For Contract 3A, explain the stabilization mat process.

Response #7: The following is from Amendment No. 3 of the bid documents and outlines the Order of Work:

“2. ORDER OF WORK

The contractor shall proceed with the placement of beach fill and dune construction in a continuous manner along the shoreline from the east to the west, or as directed by the Contracting Officer.

The work in Robert Moses State Park must be the first increment of beachfill placement.

The contractor shall establish and work within approximately 500-1000 foot wide beach work zone/closure areas, one work zone at a time. No community will be left without pedestrian access to the beach at any time. Within each work zone/closure area, the contractor shall first remove any existing dune crossover structures. Immediately following the removal of an existing dune crossover structure, an on grade mesh stabilization mat will be placed approximately where the existing dune crossover was removed, from the landward limit of work to 15 feet seaward of the seaward toe of the new dune design template, to be used as temporary pedestrian access.

Timber pilings for the new pedestrian crossovers will be installed prior to the placement of dune material in a community, in advance of beach fill placement and dune construction operations. Minimal excavation and regrading of existing topography will be allowed for the installation of new timber piles. Immediately following the timber pile installation, the on-grade mesh stabilization mats will be replaced from the landward limit of work to 15 feet seaward of the seaward toe of the new dune design template, to be used as temporary pedestrian access. Mesh stabilization mats will be removed no more than 24 hours prior to new dune construction.

After beachfill and dune placement completion and acceptance of a new dune section within a work zone/closure area, the contractor shall place/replace the on-grade mesh stabilization mats, at all cross-over locations shown in the plans, from the landward limit of the new crossover to 15 feet seaward of the seaward toe of the dune, to be used as temporary pedestrian dune crossovers prior to proceeding to the next work zone/closure area. The on-grade mesh stabilization mats shall remain in place and be maintained for the community to access the beach until the initiation of the new timber dune crossover decking structure at each location. Within three (3) weeks after acceptance of a specific new dune section, the contractor shall complete the associated new timber dune crossover decking structures within that work zone/closure area, and reopen the new crossovers to the community for pedestrian use. Timber decking for all dune crossover structures within a previously established work zone shall be completed prior to decking work start in the next established work zone.”

Question #8: When will we get sand in Cherry Grove?

Response #8: We expect to start placement for Contract #3B1 in the fall of 2017. We are not sure of the order of community placement at this time. We will need the contractor’s work plan first.

Next Call: The next call will be **Thursday, October 6, 2016 at 3:00 PM.**