

TOWN CLERK

2019 FEB 25 AM 10:25

DUXBURY, MASS.

**Duxbury Seawall Committee Minutes –December 19, 2018**

Present: DSWC Members: Alicia Babcock, Candace Martin, Don Norris, Mary Shiebler, Tim Spellman, Dimitri Theodossiou

1. CALL TO ORDER-The meeting was called to order at 6:04PM in Mural Room at Town Hall.
2. TOWN COUNSEL DISCUSSION- Shirin Everet from JP Law was present (6-7PM)  
**Easements**-Shirin presented a simple statement that would acknowledge the change in easements and a Draft version of the actual easement document "Waiver of Damages". The landward side easement is not changing. It is approximately 15 feet for most properties. The seaward side would be extended to 30 feet. This impacts 60 properties. This easement would allow the Town to come onto property to fix the seawall. There is no public access, no beach rights granted by this easement. There was general discussion with those present regarding what the new easement document means and allows, as well as maintenance of wall indicating ownership. Shirin indicated that by the Town using eminent domain to obtain the easements, it will be a more efficient process. This was approved at Town Meeting in September. There will be no need for a re-recording filing for the total 30 feet ocean side easement of the 60 properties. The Town 'order of taking' provides for one filing for the record. It does not address ownership of the wall. The sixty involved properties must sign for phase 1 work to finalize permits for work on the damaged sections of seawall. There was discussion of the need for a cover letter to explain, in clear plain language, the meaning of the waiver. The Town will retain the signed waivers, as the 'order of taking' is done by the Town. The Town would then record one document covering all properties.  
It was agreed that Shirin would develop a cover letter, in consultation with Candy Martin. This draft would be brought to DSWC for review and further input then sent back to Shirin. (See Action Item 1)  
There was discussion of transfer of easement to State versus Town for maintenance, discussion of ownership obligations.  
**Private/Public Beach Ownership**- Discussion of private beach, private wall and therefore no maintenance support. Group agreed that we need a definitive answer prior to STM to assure support for warrant.
3. TOWN MANAGER UPDATE-Rene Read present (6-7PM)  
**Betterments**-State declares no ownership of wall. The Town will not be pursuing legal action regarding seawall ownership. Board of Selectmen proposing article that would allow Town to secure loan, grants from the State (\$4.5-5M) as funding options in conjunction with betterments. Legal option for law suit regarding wall ownership would be very costly and very time consuming as well as very drawn out. Other local area Towns "own" walls. There are 149 miles of seawall in Massachusetts and the State does not own any of them. The Town of Duxbury would accept grants, loans under 'maintenance' umbrella that would include replacing as maintenance. State can disburse the allotted funds without a statement of ownership. There will be a phone meeting tomorrow (12/20/2018) including Financial Director Duxbury, Rene Read, Amory Engineering and State officials. Working for same agreement with FEMA.  
**Warrant Article**- Article would be to have Town front monies for seawall repair. These funds would then be recovered from FEMA, State grants, Proposition 2 ½, loans and betterments. No funds reimbursed until the work is done. The warrants/article will be presented to Finance Committee and Board of Selectmen. The actual numbers for construction costs, betterments will be defined for presentations and explanation to the Town. Mr. Read feels with the betterment options included, the proposal will be more widely accepted and supported.  
**FEMA Update**-Discussion of Stafford Relief Act funding with regard to Cable Hill residents' reimbursements. Mr. Read requested to bring this up with FEMA officials. (See Action Item 2)

**Engineering Update (7PM)** - Per Pat Brennan from Amory Engineering handout-ENF has been submitted to address regulatory comments. On target for having permits in place for March/April. Discussion by DSWC that it is imperative that the permitting process be completed in March. (See Action Item 3)

**Test Borings**- Remain in progress-dates for work still being lined up. Original date was October. Access will be on ocean side of wall only. DSWC contact for Amory remains Dimitri. He will touch base with Pat regarding boring timeline. Weather and tides are becoming a factor in completion. (See Action Item 4)

4. OPEN FORUM

There was discussion among residents present regarding signing 'Waiver of Damages' easement form. Most present agreed signing and moving forward with wall repair the most prudent way to proceed to facilitate seawall repair as soon as possible. Emphasis on the positive support from Board on warrant and moving forward for repairs is better way to proceed.

5. ACTION ITEMS FROM MEETING

1. Cover Letter to be drafted for Waiver (Shirin Everet draft, Rene' Read to forward to Seawall Committee for comment).
2. Stafford Disaster Relief and Emergency Assistance Act offers coverage for individuals to perform hazard mitigation measures that reduce the likelihood of future damage to residents, utilities or infrastructure. Residents that performed measures to protect coastline may be eligible for reimbursement up to \$25k by FEMA (Candace to forward reference to Rene' Read).
3. Permit approval timeline was extended to March at the last meeting. The latest update from Amory noted March/April. The target of March should be held to allow bids to be issued as soon as Ballot question has been approved. Request Amory to update Committee of any issues or delays. (Rene' Read to request from Amory).
4. Boring Tests have not been scheduled. Dimitri to email Amory for an update. Notice to be sent to Committee when dates have been confirmed. (Dimitri)
5. Meeting Minutes from November 28<sup>th</sup> to be circulated (Alicia)
6. Meeting with Town and State Representatives is planned for 20Dec18 to discuss grant money. Rene' to provide an update to Committee. (Rene')
7. Meeting with FEMA to be scheduled to discuss wall ownership/submission of FEMA reimbursement. Rene' to provide an update to Committee. (Rene')
8. Grant opportunities remain to be pursued. Suggestion to request grant for a part-time grant writer is recommended by the Seawall Committee. (Alicia to follow up with Rene')
9. Open issues from previous meeting:
  - a. Update on Project Costs - forecast was discussed at October meeting as Phase I at \$4.6M and total project at \$24M. Need confirmation and update from Amory. (Rene')
  - b. Funding cost analysis to be completed for carrying costs of bond and loan grant. (Rene'/John Adams)
  - c. Beach Ownership – discussed at meeting but left as open issue that may be needed to address for Town Meeting
  - d. FEMA reimbursement - can the project be done in phases (ORN, Cable Hill)? What is project completion deadline?
10. Next Meeting will be Jan 10<sup>th</sup> or 16<sup>th</sup>. Committee members to forward availability to attend these dates (All).
6. ADJOURNMENT- The meeting was adjourned at 7:35 PM.