

Duxbury Seawall Committee Minutes, March 22, 2021

Combined meeting with Board of Selectmen

Present: DSWC Members: Alicia Babcock, Paul Brogna, Steve Callahan, Arthur Haley, Candace Martin, Don Norris, Mary Shiebler, and Tim Spellman

Others Present: Ted Flynn, David Madigan and Amy McNabb-Select Board; Rene Read, John Adams, Shirin (Town Council), Nancy O'Connor, Valerie Massard, and Pat Brennan

The meeting was called to order at 7:28PM via Zoom. Zoom preamble was read at BOS.

1. **Minutes** - The DSWC minutes of 02/09/2021 meeting were approved as presented.

2. **Discussion of Betterments** – Ted Flynn indicated there would not be a vote on betterments at this meeting. Alicia spoke to fact that the amounts of the draft betterments were not what had been represented at Town Meeting. DSWC has requested numerous times itemized documents/summaries of wall construction expenditures. Alicia also noted that there has been no public outreach by the Town regarding the betterments until this meeting and therefore appreciates the BOS delaying the vote.

3. **Open Discussion** –Original information from 1954 documents on wall construction and financing was discussed-State 50%, Plymouth County 25%, Town of Duxbury 25%. Out of the Town share 12.5% was paid by Town and the other 12.5% paid by residents. Discussion as to possible precedent of these previous betterment assessments. Shirin will re visit the document but felt no precedent was set due to the 1954 document being for original construction of the wall and there was no provision to carry forward. It was also noted that at the time the original wall was built, the Town supported the project to protect the mainland.

There was discussion pertaining to who benefits from the improvement and who should be assessed. It had been indicated at the last Town Meeting that there was a “public benefit” to the wall and people voted on the article as such.

John Adams described how the numbers for betterments were obtained. Original cost \$4.7M, FEMA 75%-\$3.5M, State Grant \$1M-leaving a difference of \$183,000. This was the expected number that would be covered by betterments when sold at Town Meeting. Mr. Adams and Mr. Read explained that the State would not extend the deadline of the Grant beyond June 30, 2020 because it was the end of the fiscal year. There had been delays related to the RFP and Covid that pushed out start of construction. So rather than lose the \$1M Grant, the Town opted to apply it to the overall \$4.7M. Therefore FEMA is only paying 75% on \$3.7M which results in a \$750,000 loss and creates a significantly higher betterment assessment to homeowners. The total gap in funding is now \$935,000 instead of \$183,000.

There was discussion as to why it took the Town so long to communicate this discrepancy to the area residents. Since the summer, there have been multiple attempts/requests by DSWC for itemizations and invoices. Nancy confirmed that there are outstanding engineering invoices to still be submitted to FEMA.

Questions and frustrations voiced by residents as to why more was not done by the Town in anticipation of Grant deadline, negotiating with FEMA and State, and to express hardships due to national Covid emergency – deadlines everywhere were being extended. Many felt the Town did not get ahead of impending deadline and simply accepted first denial as the final word, ultimately costing area residents an additional \$750,000. John Adams indicated that they went back to FEMA a second time and they were unable to reimburse the full 75% on total amount citing Stafford Act as the reason.

TOWN CLERK

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Discussion regarding inordinate hardship imposed on some of the properties by betterment plan. One resident would end up paying 19.5%. The spread of 70%--15-10-5 vs 60 or 65? John Adams explained it was more equitable to use 70% since at 65% the #2 group would pay more than oceanfront residents because of the number of houses. Discussion/questions regarding oceanfront paying percentage based on length of new wall in front of their homes vs the rest of neighborhood paying a percentage of overall cost. This can be cost prohibitive for some residents and a definite burden. Betterments should be spread and shared equitably.

Ted Flynn noted that this has been our first experience with wall failure/replacement and the Town has made mistakes dealing with learning curve. The BOS will look at spilt set up on betterments, grants in future. Town facing more wall issues-sections on Bay Rd/Gurnet near failing now. Rocks/revetment are hoping to be placed to secure temporarily. Waiting on Marine Fisheries to approve.

Area residents urged that matching funding needs to be set aside on an ongoing basis for grant application-\$250,000 in general fund is needed to apply. Town was aware in 2010 that wall was in critical condition, and residents expressed concern about the timeline for completing Phases 2-3-4.

It was noted that the tax rate for a .09 acre lot in the Gurnet neighborhood is 3x higher than parcels on the mainland and some homeowners received a 30% tax increase this year. The overall beach area received an average 14% increase. This area generates over \$2M in tax revenue and many feel that a portion of it should be set aside annually to provide wall funding and maintenance. If the Town wants to protect this tax revenue for the next 30 years a plan needs to be in place. Many residents felt that in fairness to all, the whole town should support the project. The wall protects the Bay, represents a large tax base, and Gurnet Road access. Residents support schools and other infrastructure projects and this is no different.

Methodology for betterments discussed assessing homes based on wall footage vs. individual homes as equal parts of a whole, and also the possibility to spread assessment to all area residents as these neighborhoods all use access and beach. This was done when wall was originally built in 1954. John Adams and Ted Flynn feel that a debt exclusion override is the only realistic way to fund the rest of the project. DSWC agrees this would be the only equitable approach. Override will be looked at for rest of phases of replacement.

Ted indicated BOS/Town is open to input from residents on betterment draft. Discussion of vote deadline to record/file betterment with the court by 4/14. BOS will vote on a betterment plan at 4/5/20 BOS meeting. Any proposals should be forwarded to Rene Read/John Adams via email. Mr. Read requested this be done on or before 4/1.

Rene responded to residents that there is no hardship relief plan in place for those that can demonstrate financial need. Steven Dunn (Assessor) noted that any abatement requests can be submitted as routinely done to the Assessor Board.

Ted thanked everyone for a great discussion and requested community input as the Town moves forward. Residents thanked Town for information and assistance.

4. Adjournment - The meeting was adjourned at 9:13PM.