

## Duxbury Seawall Committee Minutes – January 13, 2022

TOWN CLERK

Present DSWC Members: Alicia Babcock, Paul Brogna, Steve Callahan, Arthur Haley, Candace Martin, Don Norris, Mary Shiebler Others Present: BOS Liaison: Ted Flynn; John Q. Adams, Town Finance Director

7/27/2022 JUL 18 AM 8:38  
DUXBURY, MASS.

1. The Zoom Preamble was read by Alicia Babcock.  
The meeting was called to order at 5:32 PM.
  2. The minutes of 11/05/21 meeting were approved as presented.
  3. OLD BUSINESS Mr. Adams only available for first part of meeting so questions taken first.
- 3.2 Question/Open Forum with Residents Regarding Betterments/ 3.1 Status of Reimbursement of Consultant Administrative Fees

Some questions had been forwarded to John so he could compile and prepare answers prior to meeting. He began by addressing those questions:

He noted that Betterments require the Town to abide by legal statutes. The betterment legislation is looking out for the taxpayer. The interest on \$900,000 is being billed to area residents. The note is for \$1M and cannot be paid off early. John has received multiple questions regarding the amortization schedule that was sent out to residents. He acknowledged that it is inaccurate. It indicates incorrect amounts and will be reissued once final FEMA payment received and betterments reduced.

There were questions on how the interest payments for residents were calculated and dispensed. John explained that per Massachusetts Law, there is an October to October payment schedule. So since nothing charged/paid in 2021, the first 2 quarter 2022 would be charged full year amount. Question to John on Select Board authority to not enforce nonpayment of betterments. Some homeowners are heavily burdened with these charges. He said once Tax bill are issued, cannot go back and revise. There was discussion that since the money has been reimbursed by State, with more coming from FEMA, the residents should not have to front additional funds for betterments and interest with tax bills. He stated that the betterment payment is a legal procedure and cannot be changed until it is ordered by Town Meeting, Select Board and State Legislature. He also noted that the Town Counsel has drafted an Article for TM that would allow the Select Board the authority to change the betterment. This will go to Town Meeting on March 12, 2022. After it is passed at TM then it goes to State Legislature to rescind the betterment. This State process will take a long time to finish. Reimbursement to residents will be in Fiscal Year 2023. There was question whether Josh Cutler our State Representative has been alerted to this situation. Answer was 'no'. Ted Flynn will follow up.

John explained that the loan was taken by the Town as it was attempting to remain in compliance with the Stafford Act/National Emergency funding. This prohibits duplication of reimbursement from multiple sources. The Town feared by receiving reimbursement from State, it would violate Law with additional FEMA funding. He said the Town is not expert in dealing with FEMA. Hence, they were not able to accomplish what the consultants did. Chris Spilman is a FEMA expert consultant (hired by residents) and he was able to secure the \$1M funding reimbursement.

Residents requested a full accounting of final reimbursement funds that were received by Town. There was question as to why \$71,000 went into General Fund when it was Seawall project funds. John indicated it went to DPW, General Funds had been appropriated at TM and was a reimbursement to the General Fund. There was discussion and questions regarding placing the \$71,000 back into seawall funding since residents paid for consultants to recover the \$1M reimbursement-if there had been no consultant, there would have been no reimbursement.

(3.1 Administrative Fee Status: The group understands that administrative fees for Chris Spilman (consultant) and Nancy O'Connor (Town Administrative Assistant) are being sought from a FEMA

administrative reimbursement avenue. This is separate from construction reimbursement. For this administrative reimbursement, the accounting section from the Town goes back to 2018. It is in the process of being documented/submitted. There was question regarding project completion deadline and submission of these requests and possible need for deadline extension. Nancy was asked prior to this meeting and she indicated not under a deadline. Her goal is to have them submitted before the TM.)

Rick Kruger Ocean Rd North-asked if the \$1M is carried as bond or note-John stated as a note due 4/12/22. He said he had to borrow the funds by 6/30/21. There were questions regarding specific breakdown of funds. Rick will relay specifics to Alicia to forward to John. He also gave his email:Adams@Duxbury-ma.gov

Tom Kelley Ocean Rd North-expressed concern regarding residents' reimbursement schedule. He was reassured that the DSWC would be actively pushing forward with Josh Cutler on finalizing rescinding betterments.

Jeffery Deady Ocean Rd North-expressed concern that the Town used the \$71,000 from reimbursement into General Fund. The reimbursement was target as decreasing betterments. Ted Flynn will follow up with Select Board.

Alicia noted that DPW building project costs have escalated greatly. This is true of all Capital Project requests. She noted that the Seawall project is 'shovel ready', permitted project with a forecast cost. She asked if there is a way to package with the DPW and get both projects done. John Q indicated that would be a Select Board decision. Ted and Alicia will discuss how to move forward with this idea.

John Q left meeting at 6:15pm due to prior commitment. Grouped thanked him for his answers and input.

- 3.3 Phasing Plan Update- It was not presented at Finance Committee or at Fiscal Advisory. Both groups have received copies. They were not told by the Town that there was an Article, so they took no action. DSWC should have ability to present plan to groups. Discussion by group on approach to include a warrant article for the next TM. Group noted that there is no Town official or department championing this cause.

It was noted that the Town has had working groups of department heads to develop and champion projects (DPW, Bridge, Traffic lights etc.). It is Fiscal Advisory responsibility to establish long range capital project planning efforts. The DPW building cost has escalated \$10M, the bridge band aids costing \$300,000-400,000 annually when the State would pay for replacement using State standards. There is money available-debt service is coming off rolls-the piece meal dealing with projects costs the town millions of dollars. Bottom line who at the Town is responsible for the wall? ?DPW-this is a failed piece of infrastructure. We need internal support. All agreed we are on borrowed time-homes will be lost.

The Seawall Replacement is listed in the 5 year Capital Plan and shows timing for 2023.

- 3.4 Easement Update – Don spoke with Leslie Fields form Woods Hole Group. She said there are 33% of the easements submitted. She was told by Town Counsel NOT to pursue permits etc. until all easements in. Group agreed we need to expedite gathering signatures since Town not reaching out. Candy will divide up list among us and we will contact residents to assure easements submitted.

Nancy O'Connor at Town Hall is a Notary and said she will assist.

Conservation permitting needs to be renewed this year with assistance from Pat Brennan, Amory Engineering. Pete Buttkus and Joe Grady need to be involved to assure renewals occur in timely fashion.

#### 4. NEW BUSINESS

Ted will get DSWC on Select Board agenda for 1/24/22.

#### 5. OPEN FORUM-No items

6. The meeting was adjourned at 6:53PM.

