

Responses to Questions from Davis Park meeting on October 5, 2014

10/16/14

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

Can we change 3 years to 1 year? Could we use the ROE until the FIMI project is completed in our community?

The ROE can be changed to one year or until the project is complete. The ROE does not grant USACE the right to construct the project. That is what the easements are for. The ROE is only intended to allow the County to survey, investigate for potential contamination and conduct appraisals on your property. The ROE does not cover any other actions.

As many landowners have not provided executed Right Of Entry Forms, Suffolk County is moving forward with surveying under the provisions of New York State Law. The Right of Entry forms are needed in order for us to conduct appraisals and investigate potential contamination, if needed.

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

For the surveying of the easement? No, For an appraisal in the event the property needs to be acquired? Yes, it is possible the appraiser may need to enter the house. The ROE is what grants the access for the appraisal.

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

No. surveyors, environmental contractors and appraisers will be required to maintain workers compensation and liability insurance.

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

USACE contractors will be responsible for obtaining local permits. The County will work with the contractors to get permitting work completed as quickly as possible. We also have a commitment from the Towns to work with us on these matters.

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

Current thinking is it is tied to FIMP with NO guarantee FIMP will happen in the near future.

The explanation that it allows maintenance of the project as a onetime dump of sand doesn't is a conflict.

While FIMI has been noted as a onetime placement of sand, FIMI is a portion of the larger FIMP project. The perpetual easement is intended to extend for the life of the FIMP project which doesn't end until Congress de-authorizes it. USACE requires access in order to allow future reconstruction of the dune and/or beach renourishment should it be required pursuant to FIMP or should emergency repairs be needed following an extraordinary storm that severely damages the Project area. Should Congress decide to de-authorize FIMP, property owners may request to be released from the easement.

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 the public comment stage , much less implementation. **No. See my previous comment.**

Question: The Easements define the dune line and help defend not moving the line again, subject to any future changes. Can you clarify what "subject to any future changes" means? **This language does not exist in the easement or any other document for this project. If you know of where it exists, please provide the specific document and location.**

Question: Some homeowners don't want to sign anything until the survey is completed and they are presented with their options. At that time they would like to review those options with legal counsel and then sign documents to move the process along. Can that be done?

Yes. Once the survey is completed and we have a draft map, Suffolk County will review the map with the NYSDEC and USACE to determine what possibilities exist to minimize the need to fully acquire any land. At that point, it will be determined whether the property requires acquisition, building relocation and/or perpetual dune easement. The County will then draw up the specific documents (easement, relocation or acquisition) and send them to the property owner for their review. You will know at that time the size and location of the easement area and whether relocation or acquisition is necessary. The County will request a response from the property owner within a reasonable period of time to either review/discuss the documents or for them to be executed.