

Mayor's Report September 1 2026

I want to thank Trustee Ian Jablonski for his 15 years of service as Trustee. I will miss having him on the Board of Trustees. He was a critical component in all the Village has done during that time. I wish him all the best in the future.

On August 15th the Village received notice from FEMA that it was denying payment in the amount \$233,429 of for the engineering for the sand retention structures and beach nourishment for the seawall area. They made their decision claiming that these were a change of scope and needed pre-approval. The Village strongly disagrees with this assessment and will appeal their decision. In the Village's grant application, the description stated:

“As identified above, this funding request is to complete design, permitting, and bid solicitation for a seawall rehabilitation project. While the exact design will be determined during the implementation of this scope, the ultimate project is intended to redesign the seawall to provide protection against future storm events, incorporating sea level rise projections to increase resiliency to the area, and is expected to include:

- **installation of new steel sheetpile at a deeper toe depth to limit undermining and a higher crest elevation to reduce overtopping.**
- **installation of a new rock revetment seaward of the sheetpile to increase the structure elevation.**
- **beach nourishment to move the limit of wave action further offshore.**
- **sand retention structures (i.e., breakwaters/groins) preserve the restored shoreline position.”**

And in the approval letter, FEMA stated:

“The approved Scope of Work (SOW) outlined in the application is to complete design, permitting, and bid solicitation for a seawall rehabilitation project. While the exact design will be determined during the implementation of this scope, the ultimate project is intended to redesign the seawall to provide protection against future storm events, incorporating sea level rise projections to increase resiliency to this area. The end result of this project is the creation of an LMA-ready sub-application that can be submitted under a future funding opportunity.”

The Village's position is that the scope of the work for which the funding was requested was clearly and unambiguously set forth in the grant application and was incorporated, in material part, into FEMA's approval letter. The Village relied upon those documents in understanding the scope of the project that had been approved for funding.

Significantly, FEMA's approval letter did not expressly approve or reject any of the four individual components identified in the Village's application. Accordingly, the Village does not believe that FEMA's subsequent interpretation of the approved scope is consistent with the language of the grant application or the approval letter.

The Village intends to formally appeal FEMA's determination and will outline in detail the factual and documentary basis supporting its position. The Village has 60 days within which to file the appeal and will submit it promptly, preserving the Village's rights and seeking a determination consistent with the scope of work originally submitted and approved.

The Village was also informed that two change orders related to the proposed ramp and steps crossing over the seawall, totaling approximately \$20,166, were denied for reimbursement.

The Village intends to appeal this determination. The basis for the appeal is that both the grant application and FEMA's approval letter expressly recognized that the exact design and configuration of the improvements would be determined during the project's scope and design process. The ramp and steps at issue are precisely the type of design elements contemplated by that language. They are not a separate or unrelated project; rather, they are components of the seawall reconstruction and associated improvements that were developed as part of the project's detailed design. The Village therefore maintains that these costs are properly included within the approved scope of work and are eligible for reimbursement under the grant.

The Village's contacts at New York State Emergency Services Homeland Security were also extremely surprised at FEMA's denial. They too feel that the application clearly laid out what the Village was asking for money to do.

Thankfully, the Village's very strong financial position will allow it to absorb these costs should FEMA deny the appeal. I have spoken to our Congressman Nick LaLota and briefed him on the situation. He has offered to do all he can to resolve this misunderstanding with FEMA.

In better financial news, the Village received notice from Empire State Development (ESD) that the \$12 million secured by Governor Hochul for the Village's seawall reconstruction project will be disbursed on an as-needed basis. The Village will submit project invoices to EDS, which will reimburse the Village on a monthly basis. The Village will then use those funds to pay the contractor.

The consequences of this arrangement are substantial: it will significantly reduce the Village's need to issue bonds to finance the project, thereby reducing the Village's borrowing needs and associated financing costs.