LINCOLN BOARD OF SELECTMEN
FEMA MEETING MINUTES
OCTOBER 15, 2018 – 3:00 PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

APPROVED

Board of Selectmen Present: Chairman OJ Robinson, Tamra Ham, & Jayne Ludwig (*arrived 3:45 pm*)
Staff Present: Town Manager Burbank & Finance Director Johnna Hart.
Public Present: Robert Durfee, Levee Project Manager, Dubois & King; Cameron Bellisle, Resident Engineer, Dubois & King; David Vaillancourt, FEMA Homeland Security, Emergency Management; Fallon Reed, FEMA Homeland Security, Emergency Management; Perry Plummer, FEMA Director of Homeland Security, Emergency Management; Paul Hatch, FEMA, Grafton County Homeland Security.

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 3:00 p.m.

II. FEMA MITIGATION MEETING

Town Manger Burbank opened up the discussion and explained that he invited Perry Plummer and his Homeland Security & Emergency Management team to discuss possible steps the town can take to apply for mitigation funding that will assist with the Levee Reconstruction Project. Dubois & King (D&K) Project Manager Bob Durfee joined the discussion and handed out mitigation and storm damage spreadsheets (see attached) and explained that on May 18th FEMA representatives met with Durfee to review the levee project and tour the work site. Based on this meeting with FEMA, Dubois & King (D&K) assembled a grant application (Damage & Inventory) for the storm damage event that occurred last October, 2017, as well as a grant application for the hazard mitigation portion of the project. As a result of the storm damages, D&K brought in their river restoration engineer expert who visited the site and evaluated the circumstances where it was determined that the original design of USACE 1960 was constructed to resist a flood event of 30 thousand cubic feet per cubic second (cfps) and the design charge of repairs was to bring the levee back to that U.S. Army Corp. of Engineers (USACE) 1960 design standards and capability. These were the conditions that the current contractor, A.J. Coleman was to follow and perform. The river restoration engineer determined that river bottom conditions have drastically changed (scoured) since 1960 and dropped 2-4 feet along the entire length of the levee.

Durfee went on to explain that part of their design plan included repairs such as the installation of rip rap along the toe which was designed in accordance with FEMA and the USACE requirements. The river restoration expert determined that there were two (2) additional issues as a result of the storm event: (1) the rip rap that was placed at the toe of the levee had stayed in place, however the storm event undermined the rip rap blanket and sunk. (2) the water diversion structure failed (breached) and created a higher velocity of water to be directed at certain points of the levee that the river would normally not provide once construction was completed, and it was forcing water to hit the toe of the levee at an angle, whereas the river flow would normally be parallel to the toe.

Durfee went on to further explain that he submitted the hazard mitigation and storm damage spreadsheets to FEMA in early June, and received a response from FEMA's attorney (in August) that noted since the contractor was active at the work site, a letter/email was going to be submitted stating that the storm damage was *not* eligible for FEMA participation and the town would have to make a claim against the contractors Builders Risk insurance policy for the damages. Durfee noted that FEMA's letter/email did not address whether or not the hazard mitigation work was accepted and eligible for FEMA participation which is the main reason for the meeting today.

Burbank explained that the town is presently in a time crunch because the contractor must have the job completed by November 30th. The town is required to bring the levee back up to the 1960 USACE standards in order to have it returned to an "active" status. Burbank explained that the town would like to leave the levee better than the way they found it, however, does not have the funding to do so and would like to know what their funding options are as far as FEMA is concerned.

FEMA Director Perry Plummer suggested they discuss where things are at present, and then determine what options are available to the town. Plummer reviewed FEMA's protocol when dealing with situations such as this, and noted that FEMA will typically come out to the location to view the damages and obtain copies of construction contracts to see whether there is a clause stating contractor liabilities. Burbank explained that there appears to be some denial on the contractor's (A.J. Coleman) part about whether or not he knew what he was responsible for, and the town's position is that they did. A.J. Coleman was supposed to provide the town with a separate *Builders Risk Insurance Policy* which in fact he did not. The Town has reached out to Coleman about this and has not received a response. Burbank explained that with so many unknown variables, it is difficult for the town to determine how to proceed in this matter.

Director Plummer explained that the town would have been eligible for the *406 Mitigation* if they were found eligible for the storm damages claim, however, FEMA denied the claim for storm damages so the town is not eligible for the *406 Mitigation.* Plummer went on to explain that there are other options such as a *404 Mitigation* which would be an application for a cost benefit analysis which could open the door for additional funding. A discussion ensued concerning the various funding options that could potentially be available to the town. It was further explained that this process can be time consuming and the town does have the option to appeal FEMA's decision to not cover the storm damages.

Durfee suggested that once the town receives the official letter of denial from FEMA for the storm damage claim, the 60-day clock will begin for the towns legal counsel along with Dubois & King (D&K) to see if there are legal grounds for an appeal. If the town is successful in the appeal process they should be reimbursed for the repairs that have already been completed, as well as be eligible for the *406 Mitigation* funds or the *404 Mitigation.* Durfee reminded the board that they have permitting to work in the river that is good for five (5) years which will allow plenty of time to complete future mitigation work.

The Board asked several questions concerning financial costs in the event that the town has to wait another year or more to go back into the river to complete the mitigation work (if approved for *404 or 406 Mitigation*) and if these additional costs would be covered. FEMA representatives explained that these costs would be covered if they were accounted for through the benefit cost analysis.
(Director Plummer and his Homeland Security & Emergency Management team departed the meeting.)

III. DISCUSSION WITH DUBOIS & KING *Status of Finances*

The Board reviewed and discussed the current financial status for the projected build-up of the levee project to date (*see attached*) and prepared to give the contractor the final go-ahead to complete the project. The town was approved to borrow $1.4 million, and the project appears to be coming in at the projected $1.55 million (over by approx. $150K) which does not include engineering costs. The Board continued their discussion and reviewed Dubois & King's (D&K's) projected cost summary for the project as well as estimated (additional) engineering costs. Durfee explained that costs were increased from when the original contract was signed ($1,067,500) based on the authorization of more quantities of work (which do not appear until the completion of the project). Durfee noted that he anticipates the final projected costs to be $1,550,679 (over original contract price by $483,179). This final cost excludes any mitigation work as discussed in the previous meeting with FEMA representatives. Town Manager

Burbank noted that it is very important that everyone is on the same page for budgetary purposes because the town is going to have to find the additional funding necessary to complete the project. Durfee went on to discuss the post-construction survey that Dubois & King (D&K) will be conducting once the project is completed, and a scheduled walkthrough with representatives from the Fairways Condo Association to assess the roadways and determine what potholes were caused by the contractors and require repair. Durfee noted that the roadway was in disrepair prior to the levee construction project and the town is only responsible for the increased damage directly resulting from the contractors use of the roadway.

Durfee explained to the Board that the USACE has several "mitigation issues" with the Fairways Condo property, and considers that the condo construction was built into the embankment (as an encroachment) of the levee. USACE *active* levee sites cannot have *any* encroachments, and any that are identified *must be* mitigated. It was determined that the Fairways Condos could stay, but would have to make certain repairs, improvements, and construction on their own in order for it to be accepted by the USACE. Fairways condo owners have not been cooperative and threatened to take the town to court over these specific issues. The Fairways Condo representative reached out to Durfee and requested a status of the USACE requirements so they could discuss this at their next Fairways Condo Board meeting. Durfee is of the understanding that all items must be completed before the USACE final inspection scheduled for the end of November, and has not seen any movement on the Fairways part. Durfee acknowledged that approximately 80% of the work has been completed, but the last 20% of the work has not even been started.

According to Durfee, part of the new USACE Maintenance Agreement Procedures Manuel for the town will require that the town conduct semi-annual levee site inspections and report back to the USACE. Any findings of encroachments along the levee, will have to be removed and reported to USACE.

IV. ADJOURNMENT

Upon completion of this discussion, the Board made the following motion.

MOTION: "To recess."
Motion: O.J. Robinson **Second: Tamra ham** **Motion Carries.**

The meeting adjourned at 5:10 p.m.

Respectfully Submitted,
Jane Leslie

Approval Date 10 / 29 / 2018

Chairman OJ Robinson Selectman Tamra Ham Selectman Jayne Ludwig

3PM-FEMA MEETING

October 15, 2018

~~Board of Selectmen's Meeting~~ Levee / Tema

Please PRINT Legibly 3:00pm

(Print Name)	(Sign Name)
Bob Duffee	
Cameron Bellisle	
David Vallancourt	
Fallon Reed	
Perry & Plummer	
PAUL HATCH	
JOHNNA HART	
BUTCH BURBANK	
OJ Robinson	
TAMI HAM	
JAYNE LUDWIG ARRIVED 3:45	

Damage Inventory
Hazard Mitigation

Disaster Number:	4355DR	Program Delivery Manager (PDMG) Name:	COOK, MARTIN W.
Applicant Name:	Lincoln, Town of (009-41860-00)	Program Delivery Manager (PDMG) Phone:	(603) 657-5145
Applicant FIPS:	009-41860-00	Program Delivery Manager (PDMG) Email:	Martin.cook@fema.dhs.gov
Applicant Point of Contact Name:	Hadaway, Nate		
Applicant Point of Contact Phone:	(603) 348-7890		
Applicant Point of Contact Email:	Publicworks@lincolnnh.org		

Category	Name of damage/facility	Address 1	Address 2	City	State	Zip	Latitude	Longitude	Describe Damage	Primary Cause of Damage	Approx. Cost	% Work Complete	Labor Type	Has received PA grant(s) on this facility in a past?	Applicant priority
D	DAM Hazard Mitigation Reconstruction and Reinforcement of Class X Riprap Stone Key Trench, Sta. 1+80 to 2+40 and Sta. 2+40 to 14+50	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Hazard Mitigation of Class X Riprap Stone Key Trench Sta. 1+80 to 2+40 and Sta. 2+40 to 14+50. RECONSTRUCT Stone Key Trench with large anchor boulders to prevent future similar damages to Levee. Anchor Boulders (D_{min} = 60" and W = 17,600lb) installed at 15' increments along toe of levee from Sta. 1+80 to 14+50. Install Additional Anchor Boulders from Sta. 1+80 to 2+40 for increased strength at Gravity wall Downstream transition for reduced risk of failure.	Severe Storm	$305,186	0%	C	N	
D	DAM Hazard Mitigation Reconstruct Stone Key Trench to 2ft above toe with Class X Riprap, Sta. 2+10 to 17+00	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Hazard Mitigation Evaluation of Class X Riprap Stone Key Trench Sta. 2+10 to 17+00. Mobilized to levee toe and Reconstruct Stone Key Trench with additional Class X Riprap to 2' above leading edge of toe cover stone to provide additional support to Levee Toe and prevent future similar damages to Levee.	Severe Storm	$30,320	0%	C	N	
D	DAM Hazard Mitigation to Lower Two Courses of Granite Cover Stones and Concrete Cover Blocks, Sta. -0+15 to 14+48	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Hazard Mitigation to lower two courses of Granite Cover Stones and Concrete Cover Blocks, Sta. -0+15 to 14+48. Original design had Chinking Stone material installed in gaps between Granite Cover Stones and Concrete Cover Blocks. Storm caused material to be washed out from gaps on the lower two rows which contributed to settlement and sliding failure of cover stones. Contractor to mobilize to Levee Toe, remove chinking stone material in gaps of lower two rows of Granite Cover Stones and Concrete Cover Blocks and install concrete grout to prevent reoccurring loss of chinking stone and future similar damages to Levee.	Severe Storm	$66,110	0%	C	N	

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Damage Inventory
Hazard Mitigation

D	DAM Hazard Mitigation Reinforcement of Class X Riprap Slope, Sta. 14+48 to 17+00	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	DAM Hazard Mitigation Reinforcement of Class X Riprap Slope, Sta. 14+48 to 17+00 Reinforce front slope to prevent future similar damages to Levee. Mobilize to End of Levee, chink riprap with small river stone, install 4" of Loam and turf establishment on top of Class X Riprap front slope of levee.	Severe Storm	$4,800	0%	C	N	
D	DAM Hazard Mitigation to Toe Concrete Cover Blocks, Sta. F0+00 to F0+40. Construct Concrete Toe Wall in front of Toe Concrete Cover Blocks	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Hazard Mitigation to Toe Concrete Cover Blocks, Sta. F0+00 to F0+40 (flanking levee). Remove existing class X stone and construct Concrete Toe Wall in front of Toe Concrete Cover Blocks. Reinstall Class X stone material in front of Concrete Toe Wall and install concrete grout in between joints of bottom two rows to prevent reoccurring loss of chinking stone and future similar damages to Levee (sliding failure of bottom two courses of blocks).	Severe Storm	$17,315	0%	C	N	
D	DAM Hazard Mitigation to Toe Granite Cover Stones. Construction of Concrete Infill Wall between Knee Wall and Gravity Wall for smooth transition to protect Granite Cover Stone slope, Sta. 1+00 to 1+24.	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Hazard Mitigation to Toe Concrete Cover Blocks, Sta. F0+00 to F0+40 (flanking levee). Remove existing class X stone from in toe and construct Concrete Toe Wall in front of Toe Concrete Cover Blocks. Reinstall Class X stone material in front of Concrete Toe Wall and install concrete grout in between joints of bottom two rows to prevent reoccurring loss of chinking stone and future similar damages to Levee (sliding failure of bottom two courses of blocks).	Severe Storm	$8,872	0%	C	N	
D	DAM Hazard Mitigation, Construction of Access Road and Water Diversion Structure to complete work along Levee Toe and Levee Front Slope, Sta. 0+80 to 15+00	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	DAM Hazard Mitigation, Construction of Access Road (Earth Berm with river material) and Water Diversion Structure (Sand Bag Wall Backed by Granite Stones) to complete work along Levee Toe and Levee Front Slope, Sta. 0+80 to 15+00.	Severe Storm	$45,334	0%	C	N	

Total Hazard Mitigation: $477,937.00

Labor Key: MAA - Mutual Aid Agreement; **MOU** - Memorandum of Understanding; **FA** - Force Account; **C** - Contract; **FA/C** - Both FA and C; **DR** - Donated Resources

Damage Inventory
Storm Damage

Disaster Number:	4355DR	Program Delivery Manager (PDMG) Name:	COOK, MARTIN W.
Applicant Name:	Lincoln, Town of (009-41860-00)	Program Delivery Manager (PDMG) Phone:	(603) 657-5145
Applicant FIPS:	009-41860-00	Program Delivery Manager (PDMG) Email:	Martin.cook@fema.dhs.gov
Applicant Point of Contact Name:	Hadaway, Nate		
Applicant Point of Contact Phone:	(603) 348-7890		
Applicant Point of Contact Email:	Publicworks@lincolnnh.org		

Category	Name of damage/facility	Address 1	Address 2	City	State	Zip	Latitude	Longitude	Describe Damage	Primary Cause of Damage	Approx. Cost	% Work Complete	Labor Type	Has received PA grant(s) on this facility in a past?	Applicant priority
B	Dissemination of information to the public to provide warnings and guidance about health and safety hazards	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Warnings to Homes Downstream of Levee	Severe Storm		100%	FA	N	
B	Police	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Overtime for officer blocking access road to Levee	Severe Storm		100%	FA	N	
B	DAM Sliding Failure and Settlement of Cover Stones, Sta. 6+70 to 7+00 & 8+50 to 9+00	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Settlement and Sliding Failure of Granite Cover Stones Sta. 6+70 to 7+00 & 8+50 to 9+00. EMERGENCY REPAIRS: Temporarily Stabilized Area from further sliding failure by chinking area with Class B Stone Fill	Severe Storm	$3,591.90	100%	C	N	
B	DAM Damage Embankment Sta. 1+10 to 2+10, Emergency Repairs	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Damage to Unfinished Section of Levee Sta. 1+10 to 2+10. Severe Scour or Loss of embankment. EMERGENCY REPAIRS: Reconstructed Levee Embankment with new material & temporarily Armored Front Face with Class X Stone to Stabilize and Prevent Further Damage	Severe Storm	$64,888.85	100%	C	N	
D	DAM Damage Embankment Sta. 1+10 to 2+10, Permanent Reconstruction of Levee Embankment	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Damage to Unfinished Section of Levee Sta. 1+10 to 2+10. Permanent Reconstruction: Remove temporary Class X Stone from Front Face and reconstruct Levee Embankment to pre-storm conditions (final design elevations less the depth of granite cover stones). Re-establish embankment subgrade elevations by regrading front slope and crest using new material (bank run gravel) and	Severe Storm	$17,463	0%	C	N	
D	DAM Destruction of Water Diversion Structure	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Sandbag Water diversion backed by granite cover stones destroyed. Blocks Swept Downstream. Reconstruct sandbag structure and salvage granite cover stones downstream	Severe Storm	$58,576	0%	C	N	

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Damage Inventory
Storm Damage

D	DAM Sliding Failure and Settlement of Cover Stones Sta. 0+80 to 1+10 & 2+10 to 2+40	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Settlement and Sliding Failure of Granite Cover Stones Sta. 0+80 to 1+10 & 2+10 to 2+40. Repair areas by Reconstructing (Remove & Reset) Granite Cover Stones over 32ft length of slope (from Toe to Crest), regrading embankment slope beneath cover stones, and installing chinking stone between granite blocks.	Severe Storm	$17,978	0%	C	N	
D	DAM Sliding Failure and Settlement of Cover Stones Sta. 6+70 to 7+00 & 8+50 to 9+00	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Settlement and Sliding Failure of Granite Cover Stones Sta. 6+70 to 7+00 & 8+50 to 9+00. Repair areas by Reconstructing (Remove & Reset) Granite Cover Stones over 32ft length of slope (from Toe to Crest), regrading embankment slope beneath cover stones, and installing chinking stone between granite blocks.	Severe Storm	$19,017	0%	C	N	
D	DAM Sliding Failure and Settlement of Granite Cover Stones & Concrete Cover Blocks, Multiple Locations along Levee	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Settlement and Sliding Failure of Granite Cover Stones & Concrete Cover Blocks at Various Locations, Sta.0+00, 2+75, 5+70, 6+30, 9+50, 12+25, 12+85 to 13+15. Repair defined areas along toe of Levee by Reconstructing (Remove & Reset) Granite Cover Stones or Concrete Cover Blocks, regrading embankment slope beneath cover stones, and installing chinking stone between granite blocks.	Severe Storm	$5,035	0%	C	N	
D	DAM Damage to Class X Riprap Stone Key Trench, Sta. 6+30 to 8+50, 9+00 to 12+00 & 13+00 to 14+50	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Damage to Class X Riprap Trench Sta. 6+30 to 8+50, 9+00 to 12+00 & 12+85 to 14+50. Class X Riprap swept down stream. Construct access road to Levee toe and RESTORE areas of Stone Key Trench by replacing Class X Riprap	Severe Storm	$31,020	0%	C	N	
D	DAM Damage to Chinking Stone Fill between Granite Cover Stones and Concrete Cover Blocks, Sta. 0+00 to 1+00, 6+30 to 8+50, & 9+00 to 11+00	Bunker Lane		Lincoln	NH	03251	44°02'51"	71°39'37"	Damage to Chinking Stone fill between Granite Cover Stones and Concrete Cover Blocks along bottom half of front slope, Sta. 0+00 to 1+00, 6+30 to 8+50 & 9+00 to 11+00. Chinking stone between blocks swept down stream. Replace chinking stone between Granite Cover Stones and Concrete Cover Blocks.	Severe Storm	$13,867	0%	C	N	

Total Storm Damage: $231,434.92

Labor Key: **MAA** - Mutual Aid Agreement; **MOU** - Memorandum of Understanding; **FA** - Force Account; **C** - Contract; **FA/C** - Both FA and C; **DR** - Donated Resources

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Levee Funding Balance

10/12/2018

Date Paid	Vendor	Amount Paid	Funding	Balance
	Bond 2016		1,310,000.00	1,310,000.00
	Taxation 2016		90,000.00	1,400,000.00
	Taxation 2017		75,000.00	1,475,000.00
6/24/2016	Dubois	3,480.00		1,471,520.00
7/14/2016	Hartigan	650.00		1,470,870.00
7/5/2016	Dubois	6,960.00		1,463,910.00
7/7/2016	Dubois	20,880.00		1,443,030.00
7/25/2016	Dubois	24,360.00		1,418,670.00
7/25/2016	State of NH	4,000.00		1,414,670.00
9/1/2016	Dubois	13,920.00		1,400,750.00
2/8/2017	Dubois Bid	7,000.00		1,393,750.00
2/16/2017	Union Leader	430.97		1,393,319.03
3/2/2017	Dubois-Contract Increase	24,500.00		1,368,819.03
3/6/2017	Salmon Press	458.00		1,368,361.03
6/15/2017	Coleman #1	50,109.30		1,318,251.73
6/15/2017	Dubois-Construct	7,837.92		1,310,413.81
8/3/2017	Coleman #2	138,256.02		1,172,157.79
8/16/2016	State of NH	16,419.20		1,155,738.59
8/17/2017	Coleman #3	171,409.32		984,329.27
8/18/2016	State of NH	841.26		983,488.01
8/18/2016	State of NH	408.74		983,079.27
8/31/2017	Dubois-Construct	52,544.89		930,534.38
9/21/2017	Coleman #4	121,109.83		809,424.55
10/12/2017	Coleman #5	118,006.47		691,418.08
11/2/2017	O'Rourke Prop Mang.	1,999.87		689,418.21
11/2/2017	O'Rourke Prop Mang.	862.50		688,555.71
11/16/2017	O'Rourke Prop Mang.	684.97		687,870.74
11/16/2017	Coleman #6	226,836.99		461,033.75
12/14/2017	Dubois	46,815.22		414,218.53
12/21/2017	Dubois	20,801.50		393,417.03
12/28/2017	Dubois	14,889.90		378,527.13
12/28/2017	Coleman #7	61,632.67		316,894.46
2/8/2018	Dubois	11,746.50		305,147.96
3/15/2018	Dubois	6,244.75		298,903.21
5/30/2018	Dubois	2,288.75		296,614.46
6/28/2018	Dubois	9,737.86		286,876.60
9/6/2018	Dubois	24,976.60		261,900.00
10/11/2018	Coleman #8	218,843.73		43,056.27
	Voted TM 2018		400,000.00	443,056.27
	Est. Balance Due Coleman	371,780.22		71,276.05
	Est. Balance Due Dubois	42,116.11		29,159.94
		1,845,840.06		