

COAKLEY EXECUTIVE COMMITTEE
Tuesday, April 7, 2020, 10:00 a.m. Teleconference
MEETING MINUTES

Remote Meeting via Teleconference Call

The Coakley Executive Committee Teleconference call commenced at 10:02 a.m.

Conferenced in by phone: Chairman Eric Spear, Seth Jaffe, Esq., Curtis Shipley, Esq., Robert Sullivan, Esq. Peter Britz, Dan MacRitchie, Joe Montello and Marian Steimke.

Guests conferenced in by phone: Michael Tully, N. Hampton, Ted Connors, Newington.

Chairman Spear read the following:

Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8 and Executive Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

I. Review the minutes of the January 17, 2020 Coakley Teleconference call.

The following corrections were suggested:

- a) Page 7, under "DISCUSSION" section, paragraph 2:
 - Sentence 1, change "sated" to "stated"
 - Sentence 2, add the words "in the future" to the end of the sentence.
 - Sentence 3, change "confirm" to "confirms"
- b) Page 8, under "CES Transition" section, paragraph 2:
 - Sentence 2, correct the spelling of "oversight"
 - Sentence 5, change "off" to "of" and "Chris's" to "Chris"
- c) Page 9,
 - Paragraph 2, change "cost effective" to "cost-effective"
 - Paragraph 3, change "asses" to "assess"

A motion was made by Attorney Seth Jaffe to approve the corrected minutes of the January 17, 2020 meeting; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve the January 17, 2020 corrected minutes.

OU-1II. BILLSCITY OF PORTSMOUTH: Services of Peter Britz

A.	Invoice #	2900222907	dated	1/27/2020	\$2,750.00
B.	Invoice #	2900249523	dated	2/19/2020	\$2,750.00
C.	Invoice #	2900289298	dated	3/16/2020	\$2,750.00

A motion was made by Attorney Seth Jaffe to approve items II – A, B and C for payment; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve items II – A, B and C for payment.

<u>CES, INC.</u>	Payment Certifications dated:	4/7/2020
	Invoices dated:	1/24/2020
	Services rendered through:	12/29/2019

D.	Invoice #	20200344	\$455.00
		General technical assistance	
E.	Invoice #	20200346	\$1,125.00
		Stormwater work plan; Fall 2018 sampling; out of scope services	
F.	Invoice #	20200347	\$687.75
		2019 Fall sampling	

DISCUSSION:

Peter explained that item D included lab coordination; item E did not actually include out of scope services; and item F involved review of preliminary results that were coming in.

A motion was made by Attorney Seth Jaffe to approve items II – D, E and F for payment; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve items II – D, E and F for payment.

<u>CES, INC.</u>	Payment Certifications dated:	4/7/2020
	Invoices dated:	2/22/2020
	Services rendered through	1/26/2020

G.	Invoice #	20200739	\$588.91
		General technical assistance	
H.	Invoice #	20200887	\$5,427.50
		Stormwater work plan; Fall 2018 sampling; out of scope services	
I.	Invoice #	20200717	\$314.56
		2019 Fall sampling	

DISCUSSION:

Peter explained that item G included technical meetings, and preparation for calls with agencies. Item H included work on the Stormwater Report response to comments. Item I included the updating of data tables.

A motion was made by Attorney Seth Jaffe to approve items II – G, H and I for payment; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve items II – G, H and I for payment.

NORDSTROM TRUST:

J.	Invoice #13-30687 dated: 6/30/2019	\$5,790.00
	Mowing the Landfill Cap	
	Payment Certification dated: 4/7/2020	

DISCUSSION:

Peter explained this bill is for mowing that was done last summer. The vendor sent the bill very late due to their computer problems. Peter will check in with them to contract for this summer's work.

Seth asked if there was any activity coming up that will be affected by COVID-19 and if any plans needed to be updated to address health and safety. He asked if DES or EPA were looking at any of the CLG's plans.

Peter said they talked about residential sampling but have not formalized any safety plans. Peter will follow up on that to update health and safety plans and scope.

A motion was made by Attorney Seth Jaffe to approve item II – J for payment; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve item II – J for payment.

US DEPARTMENT OF TREASURY

- | | | |
|----|---|----------|
| K. | Form #1120-SF for tax year 2019
IRS Form 1120-SF Tax Return for Settlement Funds
(Under Section 468B) | \$87.00 |
| L. | First Installment Tax Payment 4/15/2020 | \$100.00 |

DISCUSSION:

Peter will follow up to get more information about these items.

A motion was made by Attorney Seth Jaffe to table approval of items II – K and L for payment; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to table items II – K and L for payment.

III. OU-1 ACTION ITEMS

Assessments were sent out on 11/26/2019 and were due by 1/31/2020.

PRP	Percentage	Requested Amount	Amount Received	Date Received
City of Portsmouth	53.553%	\$166,014.00	\$166,014.00	12/10/2019
Town of Newington	5.462%	\$16,932.00	\$16,932.00	1/21/2020
Town of N. Hampton	4.062%	\$12,592.00	\$12,592.00	12/16/2019
Generators	20%	\$62,000.00	\$62,000.00	1/15/2020
Browning-Ferris	12.308%	\$38,155.00	\$38,155.00	12/30/2019
Waste Management	4.615%	\$14,307.00	\$14,307.00	1/21/2020
TOTALS	100%	\$310,000.00	\$310,000.00	

IV. OU-1 RECORD ITEMS

There were no record items.

OU-1 Balance as of 4/3/2020: \$425,450.30

OU-2**V. BILLS****CITY OF PORTSMOUTH:** *No payment certifications required*

A.	Invoice #	2900222907	dated	1/27/2020	\$2,750.00
B.	Invoice #	2900249523	dated	2/19/2020	\$2,750.00
C.	Invoice #	2900289298	dated	3/16/2020	\$2,750.00

A motion was made by Attorney Seth Jaffe to approve items V – A, B and C for payment; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve items V – A, B and C for payment.

<u>CES, INC.</u>	Payment Certifications dated:	4/7/2020
	Invoices dated:	1/24/2020
	Services rendered through	12/29/2019

D.	Invoice #	20200344	\$845.00
		General technical assistance	
E.	Invoice #	20200345	\$2,300.00
		Interim Bedrock Investigation Report	
F.	Invoice #	20200347	\$1,277.25
		2019 Fall sampling	

DISCUSSION:

Peter explained that item D is the same as that of OU-1. Item E involved finalization of the report specific to OU-2, and item F is the same as that of OU-1.

A motion was made by Attorney Seth Jaffe to approve items V – D, E and F for payment; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve items V – D, E and F for payment.

<u>CES, INC.</u>	Payment Certifications dated:	4/7/2020
	Invoices dated:	2/22/2020
	Services rendered through	1/26/2020

G.	Invoice #	20200739	\$1,093.69
		General technical assistance	
H.	Invoice #	20200717	\$584.19
		2019 Fall sampling	

DISCUSSION:

Peter said that items G and H were the same as OU-1.

A motion was made by Attorney Seth Jaffe to approve item V – G and H for payment; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve items V – G and H for payment.

SANBORN HEAD:

I.	Invoice #0050274 dated: 1/24/2020	\$7,998.77
	Services rendered through 1/18/2020	
	Deep Bedrock Technical Memorandum Support	
J.	Invoice #0050706 dated: 3/20/2020	\$8,696.91
	Services rendered through 3/14/2020	
	Deep Bedrock Investigation Tech Support	

DISCUSSION:

Peter explained that item I related to helping CES with the technical memo and item J was for preparation for the agency meeting.

A motion was made by Attorney Seth Jaffe to approve item V – I and J for payment; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve items V – I and J for payment.

VI. OU-2 ACTION ITEMS

Assessments were sent out on 11/26/2019 and were due by 1/31/2020.

PRP	Percentage	Requested Amount	Amount Received	Date Received
City of Portsmouth	53.551%	\$334,693.00	\$174,693.00	12/10/2019
Town of Newington	5.463%	\$34,144.00	\$34,144.00	1/24/2020
Town of N. Hampton	4.063%	\$25,394.00	\$25,394.00	12/16/2019
Generators	20%	\$125,000.00	\$125,000.00	2/11/2020
Browning-Ferris	12.308%	\$76,925.00	\$76,925.00	12/26/2019
Waste Management	4.615%	\$28,844.00	\$28,844.00	1/21/2020
TOTALS	100%	\$625,000.00		

Partial payment

Peter explained the partial payment – the City did not have that amount authorized for the fiscal year. Seth asked if this raises budget authority issues regarding Coakley expenditures for FY21. Bob said we were not at that point yet, and Seth asked for news earlier rather than later.

VII. OU-2 RECORD ITEMS

There were no record items.

OU-2 Balance as of 4/3/2020: \$692,396.52

COMBINED OU-1 & OU-2

VIII. COMBINED OU-1 & OU-2 ACTION ITEMS

A. Report of Peter Britz of the City of Portsmouth dated 4/7/2020

Fall Sampling 2019:

The sampling is complete except for the one issue/holdup being that the data has not come back from the data validator. The last data packet is mostly residential data, and that should be back within a week. Once all of the validated data is received, CES can provide the data to the residents and finalize the annual report.

Seth asked if the data got to the data validator late, and Peter said there was a delay in processing all of the results due to an issue with the new lab where some of the samples had to be recollected in the field and re-run at the lab.

Seth expressed concerns that this work was done six months ago. This is work that matters. It is relevant to additional work that we are doing at the site. We have to figure out a way to not have delays.

Spring Sampling 2020:

Peter said they are preparing for spring sampling and are planning for May 11 – 22nd. While the field work for monitoring wells will go ahead as planned, there may be some delay in residential sampling. The proposed approach is to contact the drinking water supply wells properties before sampling is conducted. This sample collection will be done in coordination with EPA and DES to ensure we follow all recommended COVID-19 protocols. Seth asked if samples are collected from the tap or from the well, and Peter said it depended on the property. There was a mix of locations where samples were taken from depending on how each site is configured and where the most appropriate access point is.

Deep Bedrock Study:

Peter said CES met with DES and the EPA in March regarding follow-up to work done previously. CES put together a work plan which was submitted on Monday. Peter will talk to them to finalize the final work plan for the study.

Surface Water and Stormwater Report:

Peter said CES provided comments to the report.

HB 494:

Working with CES to come up with an approach for doing this work. When we have an approach we are comfortable with it will be reviewed by NHDES and USEPA to make sure it satisfies the intent of HB494. At the present time the best estimate is that an approach will be completed soon with a goal of installing something in the field in September. Likely this first installation will be a pilot which will be monitored to determine the success of the effort.

- B. Proposal from Sanborn Head for 2020 Services (ref Record Item IX-C)

DISCUSSION:

Peter said he approved this proposal which was under \$10,000. They have been the consulting engineer with CES. Peter said they had a meeting with the EPA. They had not contracted to follow up with the EPA, so that piece has been addressed.

IX. COMBINED OU-1 & OU-2 RECORD ITEMS

- A. Organizational Resolutions for Piscataqua Savings Bank for OU-1 and OU-2 Trust Accounts signed by the Executive Committee January 2020.

B. Email from Kelsey Dumville, EPA dated 1/29/2020 Re: EPA Update on the Coakley Landfill Site with links to two reports:

B (1) Link 1: Letter from CES to Richard Hull, US EPA dated 1/22/2020. Re: Stormwater Investigation Report - Response to Comments; Coakley Landfill with January 2020 Surface Water Evaluation Scope of Work attached (On Disc and pages 1-15 printed).

B (2) Link 2: Deep Bedrock Investigation Interim Report, November 25, 2019. Prepared by CES Inc. (On disc and pages 1-13 printed).

C. Proposal from Sanborn Head, dated 2/24/2020; Re: Proposal for 2020 Services - Deep Investigation Technical Support - accepted by Peter Britz on 3/6/2020. Attached Terms and Conditions dated 1/11/2019; Attached Sanborn, Head & Associates, Inc. Schedule of Fees.

A motion was made by Attorney Seth Jaffe to approve record items IX – A, B and C; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve record items IX – A, B and C.

X. OTHER BUSINESS

There was no other business.

XI. SCHEDULE THE NEXT COAKLEY EXECUTIVE COMMITTEE MEETING

The next Coakley Executive Committee meeting was scheduled for Wednesday, May 6, 2020 at 10:00 a.m. It is planned to be held in Conference Room A in City Hall at Portsmouth.

The meeting adjourned at 10:42 a.m.

Dated: 5/6/2020

DocuSigned by:
Eric Spear
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Eric Spear, Chair
Coakley Executive Committee Chair

Respectfully Submitted,
Marian Steimke