

**COAKLEY EXECUTIVE COMMITTEE**  
**Wednesday May 6, 2020, 10:00 a.m. Teleconference**  
**Meeting Minutes**

The Coakley Executive Committee Teleconference call commenced at 10:03 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

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, as extended by Executive Order 2020-08, and Emergency 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 April 7, 2020 Coakley Teleconference call.

**A motion was made by Attorney Seth Jaffe to approve the minutes of the April 7, 2020 meeting; this motion was seconded by Attorney Curtis Shipley.**

**On a roll call 3-0, the Committee voted to approve the April 7, 2020 minutes.**

**OU-1**

**II. BILLS**

**CITY OF PORTSMOUTH:**

A. Invoice # 2900318909 dated 4/13/2020 \$2,750.00  
Services of Peter Britz

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

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

B. Invoice# INV1822227 dated 4/16/2020 50%: \$150.00  
 DocuSign 1 Year Service - eSignature Standard Edition.  
 Reimburse City for use of credit card.

Marian explained that the payment for the service was placed on the City's credit card, since that was the only way that DocuSign would accept payment. This payment is to reimburse the City.

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

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

**CES, INC.** Payment Certifications dated: 5/6/2020  
 Invoices dated: 3/29/2020  
 Services rendered through: 2/23/2020

C.	Invoice #	20201486	\$459.38
		General technical assistance	
D.	Invoice #	20201488	\$1,917.50
		Work Plan, Fall 2018 Sampling; OOS Services	
E.	Invoice #	20201490	\$247.19
		Spring 2019 Sampling Event	
F.	Invoice #	20201489	\$7,794.05
		2019 Fall Sampling	

Peter explained the invoices. Item C, which is a 35/65 split between OU1 & OU2 is related to correspondence with the agencies and the CLG. Item D is 100% OU1 and was for drafting the work plan memo and correspondence with vendors. Item E is a 35/65 split and relates to the collection of data in support of the development of the 2019 Annual Summary Report. Item F, also a 35/65 split, includes a \$5,241.30 credit applied because of lab issues and pH issues regarding residential sampling. There will be another credit coming.

**A motion was made by Attorney Seth Jaffe to approve items II – C, 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 – C, D, E and F for payment.**

**US Department of Treasury**

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

**DISCUSSION:**

Although authorization for payment of items II – G and H was tabled at the 4/7/2020 meeting, these two items were paid by Piscataqua Savings Bank on 4/17/2020 at the direction of Tom Queeney of PSB. Peter spoke with the accountants, Hodgdon Wilson & Griffin. Peter and Bob Sullivan will follow up with HWG to get more information and determine why taxes were due for calendar year 2019, but not in previous years.

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

**On a roll call 3-0, the Committee voted to table approval of items II – G and H for payment.**

**III. OU - 1 ACTION ITEMS**

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

<b>PRP</b>	<b>Percentage</b>	<b>Requested Amount</b>	<b>Amount Received</b>	<b>Date Received</b>
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
<b>TOTALS</b>	<b>100%</b>	<b>\$310,000.00</b>	<b>\$310,000.00</b>	

**IV. OU - 1 RECORD ITEMS**

There were no record items.

OU – 1 Balance as of 4/28/2020: \$402,624.58

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

- |    |           |  |               |
|----|-----------|--|---------------|
| A. | Invoice # | 2900318909 dated 4/13/2020   | \$2,750.00    |
|    |           | Services of Peter Britz  |               |
| B. | Invoice # | INV18222227 dated 4/16/2020  | 50%: \$150.00 |
|    |           | DocuSign 1 Year Service - eSignature Standard Edition.<br>Reimburse City for use of credit card. |               |

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

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

<b><u>CES, INC.</u></b>	Payment Certifications dated:	5/6/2020
	Invoices dated:	3/29/2020
	Services rendered through	2/23/2020

- |    |           |   |             |
|----|-----------|---|-------------|
| C. | Invoice # | 20201486  | \$853.12    |
|    |           | General technical assistance  |             |
| D. | Invoice # | 20201487  | \$2,157.50  |
|    |           | Bedrock Investigation Work Plan;<br>Downhole Geophysics Packer Sampling, OOS Services |             |
| E. | Invoice # | 20201490  | \$459.06    |
|    |           | Spring 2019 Sampling Event  |             |
| F. | Invoice # | 20201489  | \$14,474.66 |
|    |           | Work Plan, Fall 2018 Sampling; OOS Services   |             |

**DISCUSSION:**

Peter explained that items C, E and F were the same as for OU-1, with 65% of these invoices being applied to OU-2. Item D was 100% OU-2, and was related to working with Sanborn Head regarding comments from the EPA; a memo to the CLG with analysis of EPA comments; preparation for a meeting with the EPA; and well registration tasks.

**A motion was made by Attorney Seth Jaffe to approve items V – C, 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 – C, D, E and F for payment.**

**SANBORN HEAD**

Payment Certification dated: 5/6/2020  
 Invoice dated: 4/16/2020  
 Services rendered through 4/11/2020

G. Invoice # 0050943 \$2,688.71  
 Deep Bedrock Investigation Tech Support

**DISCUSSION:**

Peter explained that a portion of the work was for preparation of comments for the draft bedrock work plan addendum to contract. He stated that the CLG will need to amend Sanborn Head's contract if they want to continue the work which they have been doing.

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

**On a roll call 3-0, the Committee voted to approve item V – G for payment.**

**VI. OU - 2 ACTION ITEMS**

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

<b>PRP</b>	<b>Percentage</b>	<b>Requested Amount</b>	<b>Amount Received</b>	<b>Date Received</b>
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
<b>TOTALS</b>	<b>100%</b>	<b>\$625,000.00</b>	<b>\$465,000.00</b>	

*Partial payment*

## **VII. OU - 2 RECORD ITEMS**

There are no record items.

OU-2 Balance as of 4/28/2020: \$661,350.71

## **COMBINED OU-1 & OU-2**

## **VIII. COMBINED OU – 1 & OU – 2 ACTION ITEMS**

A. Report of Peter Britz of the City of Portsmouth dated 5/6/2020

### **Spring Sampling Proposal 2020**

Peter said there are three proposals from CES regarding work at the site. The 2020 Spring sampling will begin on May 11<sup>th</sup>. CES has reached out to residents, and they want to make sure it is safe to perform sampling due to COVID-19. The cost is \$260 less than last year's cost, and Peter recommends that the group approve it. Joe has also reviewed the proposal.

Seth said he was surprised they would still be doing residential sampling at this point. Peter said the EPA was briefed on the process of contacting residents and getting permission given the current COVID situation and had no objections.

Peter said that although they have asked the EPA each year to reduce the required sampling, while they have allowed limited reductions, EPA has said that they would review and be likely to approve larger reductions once the deep bedrock study has been completed.

### **Surface Water and Stormwater Proposal**

Peter said the proposal for surface and stormwater work follows up on previous work, for which we spent \$65,000. This proposal is for work to provide a better understanding at and around the site.

### **HB 494**

Peter said in looking at treatment options, this is a smaller contract, but it will provide some results that will enable us to address legislation. The group discussed merging of amendments of the contract. Bob indicated that HB494 is not EPA mandated work. This could relate to potential litigation. He also said it is better to keep them separate for now.

### **Deep Bedrock Study**

Peter stated they provided a work plan to the regulators, but they still have some work to do before they can finalize the study. Trying to figure out if any new wells are needed is a big effort and it is taking some time to know the scope.

The group discussed a motion to approve the technical and cost aspects contracts, subject to legal review and stated they can be amended as necessary.

**IX. COMBINED OU – 1 & OU – 2 RECORD ITEMS**

There are no record items.

**X. OTHER BUSINESS**

Bob had three issues to mention:

He will try to find the original trust documents. Seth mentioned that he probably had an electronic version of the documents.

On Thursday of last week, Bob noticed at the northwest corner that someone had cut a hole in the fence and made a pathway to the Stormwater tank. It was a clean cut in the fence. This must be dealt with right away.

He suggested the Coakley meetings could be done via Zoom calls, and that the City has a license, but the group said they were comfortable still doing the phone calls.

**XI. SCHEDULE THE NEXT COAKLEY EXECUTIVE COMMITTEE MEETING**

The group decided to defer the scheduling of a meeting until another time.

The meeting ended at 10:45 a.m.

**Attorney Seth Jaffe moved to enter into non-public session pursuant to RSA 91-A:3 II(e) regarding potential litigation issues. This motion was seconded by Attorney Curtis Shipley.**

**On a unanimous roll call vote 3-0, motion passed. The Non-Public Session commenced at 10:47.**

Dated: 6/11/2020

DocuSigned by:  
*Eric Spear*  
EFF4EDCB27B74AG...  
Eric Spear, Chair  
Coakley Executive Committee Chair

Respectfully Submitted,  
Marian Steimke

**COAKLEY EXECUTIVE COMMITTEE  
NON-PUBLIC SESSION  
MINUTES - Wednesday, May 6, 2020**


The Coakley Executive Committee Non-Public Session commenced at 10:47 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.

Issues related to the underlying litigation were discussed. No motions were made and no actions were taken.

The meeting was adjourned at 11:08 a.m.

Dated: 6/11/2020

DocuSigned by:  
  
EFF1EDCB27B74AC...  
Eric Spear, Chair  
Coakley Executive Committee Chair

Respectfully Submitted,  
Marian Steimke