

**COAKLEY EXECUTIVE COMMITTEE
Wednesday, September 30, 2020
MINUTES**

The Coakley Executive Committee (EC) Teleconference call commenced at 10:01 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: Matthew Scruton, Town Administrator of Greenland.

Chairman Eric Spear read the following from the Governor's Executive Order:

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 2020-18, 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 August 18, 2020 Coakley Teleconference call.

A motion was made by Attorney Seth Jaffe to approve the minutes of the August 18, 2020 meeting; this motion was seconded by Attorney Curtis Shipley.

On a roll call 3-0, the Committee voted to approve the August 18, 2020 minutes.

OU-1

II. **BILLS**

City of Portsmouth

- | | | | |
|----|--|-----|------------|
| A. | Invoice #2900497584 dated 8/18/2020
Peter Britz & Financial services - 8/2020 | 50% | \$2,750.00 |
| B. | Invoice #2900530605 dated 9/15/2020
Peter Britz & Financial services - 9/2020 | 50% | \$2,750.00 |

A motion was made by Attorney Seth Jaffe to approve items II – 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 II – A and B for payment.

CES, Inc. Payment Certifications dated: 9/30/2020
 Invoices dated: 8/27/2020
 Services rendered through: 7/26/2020

C.	Invoice #20203555 General technical assistance	35%	\$536.38
D.	Invoice #20203558 Spring 2020 Sampling	35%	\$6,305.86

Peter explained item C involved some out of scope services, correspondence with the agencies, repair of a vent and project scheduling. Item D involved putting results into tables, quality control and lab analysis.

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

CES, Inc. Payment Certifications dated: 9/30/2020
 Invoices dated: 4/24/2020
 Services rendered through: 3/29/2020
 Invoices not received until 8/25/2020

E.	Invoice #20201648 General technical assistance services	35%	\$825.13
F.	Invoice #20201647 Stormwater Work Plan, Fall 2018 Sampling & Out of Scope Services	100%	\$1,065.00
G.	Invoice #20201650 2019 Spring Sampling	35%	\$597.63
H.	Invoice #20201651 2019 Fall Sampling	35%	\$3,416.57

Item E involved correspondence with Peter and the regulators, drafting the groundwater sampling memo, preparation of transmittal for regulators and bedrock fracture trace discussions. Item F was for correspondence with vendors. This was the draft phase of the work plan. Item G involved pulling together figures for the annual report. Curtis asked if getting these invoices late impacted budget projections, and Peter said no.

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

NE Lock and Safe

Payment Certification dated: 9/30/2020

Invoice dated: 9/21/2020

Service dated: 9/21/2020

- | | | |
|----|---|-----------------|
| I. | Invoice #33578
Long & regular shackles | 50% \$149.80 |
|----|---|-----------------|

Peter said all locks were keyed the same. The locks get rusty or are sometimes removed mysteriously and need to be replaced. These should last a few years.

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

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

III. **OU - 1 ACTION ITEMS**

There were no action items.

IV. **OU - 1 RECORD ITEMS**

- A. OU – 1 Balance as of 9/28/2020: \$338,264.43

OU-2

V. **BILLS**

City of Portsmouth

- | | | |
|----|--|-------------------|
| A. | Invoice #2900497584 dated 8/18/2020
Peter Britz & Financial services - 8/2020 | 50% \$2,750.00 |
| B. | Invoice #2900530605 dated 9/15/2020
Peter Britz & Financial services - 9/2020 | 50% \$2,750.00 |

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.

CES, Inc. Payment Certifications dated: 9/30/2020
 Invoices dated: 8/27/2020
 Services rendered through 7/26/2020

C.	Invoice #20203555 General technical assistance services	65%	\$996.12
D.	Invoice #20203558 Spring 2020 Sampling	65%	\$11,710.89
E.	Invoice #20203557 Bedrock Investigation Work Plan & Services	100%	\$20,745.04

Item E was for drafting a letter to the EPA, an addendum and for revisions to the work plan. Joe has reviewed these as well.

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

CES, Inc. Payment Certifications dated: 9/30/2020
 Invoices dated: 4/24/2020
 Services rendered through 3/29/2020
 Invoices not received until 8/25/2020

F.	Invoice #20201648 General technical assistance services	65%	\$1,532.37
G.	Invoice #20201649 Interim Bedrock Investigation Report & Services	100%	\$8,345.00
H.	Invoice #20201650 2019 Spring Sampling	65%	\$1,109.87
I.	Invoice #20201651 2019 Fall Sampling	65%	\$6,345.06

Item G was for report preparation time, correspondence, initial start of the work plan addendum and work with Sanborn Head.

A motion was made by Attorney Seth Jaffe to approve items V – F, 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 V – F, G, H and I for payment.

Advance Radon Mitigation

Payment Certification dated: 9/30/2020
 Invoice dated: 8/5/2020
 Service date: 8/5/2020

J. Invoice #:PIN157 100% \$2,963.00
 Breakfast Hill Golf Club / 339 Breakfast Hill Rd.
 1,4-Dioxane Sampling & lab fees; Maintenance

Peter said Item J was for maintenance of the carbon filter system, which has been completed.

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

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

NE Lock and Safe

Payment Certification dated: 9/30/2020
 Invoice dated: 9/21/2020
 Service dated: 9/21/2020

K. Invoice #335xx 50% \$149.80
 Long & regular shackles

Peter said locks were also for wells outside of the landfill, so they were for both operational units.

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

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

VI. OU - 2 RECORD ITEMS

A. OU-2 Balance as of 9/28/2020: \$841,056.48
 Federal assessment of \$126,717.23 was posted on 9/1/2020

The other DOJ invoice has not yet gone out. Peter will extend the period so it will be closer to a year and result in a bigger reimbursement.

COMBINED OU-1 & OU-2

VII. COMBINED OU – 1 & OU – 2 ACTION ITEMS

- A. Report of Peter Britz of the City of Portsmouth dated 9/30/2020 with attachments:
 - i. Fall 2020 Sampling proposal 9/23/20 – approval requested
 - ii. Water supply results: cover letter 9/22/2020 & results table
 - iii. Deep bedrock surface geophysics proposal 8/27/2020 - executed 9/28/2020. This is Record item IX-B below - formal approval requested
 - iv. Deep bedrock: MW6 installation proposal 9/9/2020 – approval requested

Peter discussed the activity report:

Fall Sampling: The beginning of residential sampling will be starting on October 1st, and the next two weeks will involve collection of data, he said. Authorization from the EC is required for Item VII.A.i.

Joe suggested that CES be asked to make it easier to see what has changed by including a simple table up front: i.e., highlight the difference in costs from the previous year. Peter will ask CES to make it easier to understand. He explained that the major increase was due to the analytical costs. Last year's costs were a little over \$100,000 vs. a little over \$109,000 for this year.

A motion was made by Attorney Seth Jaffe to authorize the execution of the CES Proposal for Fall 2020 Sampling and Reporting dated 9/23/2020. This motion was seconded by Attorney Curtis Shipley. [Item VII.A.i above]

On a roll call 3-0, the motion passed.

Water Supply Samples: All results were sent to the property owners. The cover letter is included just for record. Residents will be getting another sample this week. No action was required from the EC on these items.

Site Mowing: The work has been completed for this year. No action required from the EC.

Surface Water Work: They are working on removing a beaver dam. Two contractors provided estimates in the \$2,000 – \$4,000 range. USDA is contracting to remove the beavers, but they will hold off on trapping since there is currently no beaver activity. They can put in the surface water treatment pilot after the dam comes out.

Deep Bedrock Study: Authorization of two contract amendments is needed from the EC since each is over \$10,000. One is for surface geophysics work to determine a recommended location for the new well (Item VII.A.iii). The second is for additional MW-6 investigation tasks as the original budget did not cover all the work needed (Item VII.A.iv).

A motion was made by Attorney Seth Jaffe to authorize the execution of the CES Contract Amendment Proposal for Surface Geophysical Surveying dated 8/27/2020 and the Contract Amendment for Additional MW-6 Investigative Tasks dated 9/9/2020. This motion was seconded by Attorney Curtis Shipley.
[Items VII.A.iii and VII.A.iv above]

On a roll call 3-0, the motion passed.

DOJ Bill: The bank received payment for Invoice 11. Invoice 12 is due to go out soon.

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

- A. Letter from R. Hull of USEPA dated 9/1/2020 to J. Fitzgerald; Re: Request for Access to Property at 65 North Road, N Hampton, NH; and Enclosure: Consent for Access to Property for J. & Y. Fitzgerald.
- B. CES Contract Amendment Proposal for Surface Geophysical Surveying dated 8/27/2020 and signed by Chair Spear on 9/28/2020.

IX. **OTHER BUSINESS**

- A. Update from Bob re: the meeting on 8/25/2020 with Tom Queeney of Piscataqua Savings Bank and the unauthorized payment of bills by PSB.

Bob summarized the issue – the bank had paid taxes on behalf of the OU-1 Trust without having two signatures from the EC. Peter and Bob talked to Tom Queeney, who was very responsive. Tom had said since they were tax bills, he thought the importance of immediate payment superseded the two-signature requirement. He said it would never happen again. Seth said PSB really has no legal obligation except to the EC.

- B. Discussion of new accounting firm.

Curtis had circulated a few names in a June 18th email. Both Seth and Curtis believe taxes should not be owed from the trust accounts. Bob and Peter will interview another potential candidate firm and report for the next meeting to discuss moving their business. They should ask if the firm has done returns for these types of trusts and what they charge.

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

The next Coakley Executive Committee meeting is scheduled for Wednesday, November 4, 2020 at 10:00 a.m. It is planned to be held via teleconference.

The meeting adjourned at 10:33 a.m.

Dated: 11/4/2020 _____

DocuSigned by:
Eric Spear

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Eric Spear, Chair
Coakley Executive Committee Chair

Respectfully Submitted,
Marian Steimke