

COAKLEY EXECUTIVE COMMITTEE

Wednesday, April 14, 2021

Teleconference Minutes

The Coakley Executive Committee (EC) Teleconference call commenced at 9:35 a.m.

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

Others conferenced in by phone: Mathew Scruton, Greenland Town Administrator; Michael Tully, North Hampton Town Administrator; Steve Smith, Greenland Selectmen; Mike Edgar; Mindi Messmer, John Tuthill.

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 2021-05 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.

Those present discussed when the emergency order might end.

I. Review the minutes of the March 3, 2021 Coakley Teleconference call.

Attorney Seth Jaffe moved to approve the minutes of the March 3, 2021 meeting; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve the March 3, 2021 minutes.

OU-1

II. BILLS

City of Portsmouth

A. Invoice #2900762261 dated 3/8/2021 50% \$2,750.00
Peter Britz & Financial services - 3/2021

Attorney Seth Jaffe moved to approve item II – A for payment; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve item II – A for payment.

Haley Ward (CES) Payment Certification dated: 4/14/2021

Invoices dated; 12/23/2020
 Services rendered through: 11/29/2020

| | | | |
|----|---|-----|------------|
| B. | Invoice #20205581 General Technical Assistance | 35% | \$495.25 |
| C. | Invoice #20205584 2020 Spring Sampling | 35% | \$511.87 |
| D. | Invoice #20205585 Fall 2020 Sampling | 35% | \$6,328.35 |

Peter said these are old invoices, and we are getting caught up. Item II-B pertains to correspondence with the agencies, regular meetings on the phone, labs and validator correspondence. Item II-C was for report write ups, revisions to data and uploading that. Item II-D was for lab analysis, viewing of lab data and 2020 annual report development.

Attorney Seth Jaffe moved to approve items II – B, C, D for payment; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve items II – B, C, D for payment.

Haley Ward (CES) Payment Certification dated: 4/14/2021
 Invoices dated; 2/26/2021
 Services rendered through: 1/31/2021

| | | | |
|----|--|-----|----------|
| E. | Invoice #20206593 General technical Support | 35% | \$591.50 |
| F. | Invoice #20206596 Fall 2020 Sampling | 35% | \$333.26 |

Peter said item II-E was for regulatory calls and Haley Ward calls, residential letters and preparation for the 3/3/2021 meeting. Item II-F was for finalizing and sending out residential results and work on the annual report.

Attorney Seth Jaffe moved to approve items II – E, F for payment; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve items II – E, F for payment.

Haley Ward (CES) Payment Certification dated: 4/14/2021
 Invoices dated; 3/24/2021
 Services rendered through: 2/28/2021

| | | | |
|----|--|-----|------------|
| G. | Invoice #20206942 General technical Support | 35% | \$808.50 |
| H. | Invoice #20206945 Fall 2020 Sampling | 35% | \$2,148.88 |

asked why the surface water treatment invoice work was in OU2 rather than OU1. Peter answered they did OU1 when it was inside the landfill area, but this is outside the landfill and closer to Breakfast Hill Road and it made sense to be OU2.

Seth said hypothetically, if the EPA were to say nothing will work here. Surface water not the best. Best is to treat groundwater to keep from getting into brook to begin with. That would be OU1 money, and it seems odd that the location of the remedy would define where the money comes from. Curtis said that made sense.

Bob said that if it is the source of the contamination and not the location of the remedy that determines whether the cost is OU1 or OU2, then there would be no need for an OU2. All contamination, wherever found, originally comes from the landfill itself and thus would be OU1, so he agreed with Peter. All agreed with this philosophy and the bill was kept as an OU2 invoice.

Attorney Seth Jaffe moved to approve items V - B, C, D, E, F for payment; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve items V - B, C, D, E, F for payment.

Curtis asked about the next assessment. Peter said he'll come back next month with more information.

Haley Ward (CES) Payment Certifications dated: 4/14/2021
Invoices dated: 2/26/2021
Services rendered through: 1/31/2021

| | | | |
|----|--|------|-------------|
| G. | Invoice #20206593 General technical Support | 65% | \$1,098.50 |
| H. | Invoice #20206594 Bedrock Investigation Activities | 100% | \$46,109.32 |
| I. | Invoice #20206595 Stormwater Work Plan, Fall 2018 Sampling & Out of Scope | 100% | \$1,397.50 |
| J. | Invoice #20206596 Fall 2020 Sampling | 65% | \$618.90 |

Items V – G and J were the same as OU1. Item V – H was to complete MW6 pump test tasks, work with the DOT on access agreement, well installation, well placement, prepping for the March meeting, the direct push investigation, preparing for that, water levels measured, lab analysis of the direct push investigation samples, as well as MW25 and BP4. Item I was for direct push investigation field work and collecting samples from MW-7.

Attorney Seth Jaffe moved to approve items V – G, H, I, J for payment; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve items V – G, H, I, J for payment.

Haley Ward (CES) Payment Certifications dated: 4/14/2021
Invoices dated: 3/24/2021

Services rendered through: 2/28/2021

| | | | |
|----|---|------|-------------|
| K. | Invoice #20206942 General technical Support | 65% | \$1,501.50 |
| L. | Invoice #20206943 Bedrock Investigation Activities | 100% | \$31,763.50 |
| M. | Invoice #20206944 Stormwater Monitoring | 100% | \$2,030.00 |
| N. | Invoice #20206945 Fall 2020 Sampling | 65% | \$3,990.77 |

Peter said item V – L was for packer sampling, well development, timber mat placement, direct push investigation work, lab analysis of samples of direct push investigation, boring to remove blockage and timber mat placement costs at MW-25. Item V – M was for correspondence, the surface water memo and coordination with agencies.

Attorney Seth Jaffe moved to approve items V – K, L, M, N for payment; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve Items V – K, L, M, N for payment.

VI. OU - 2 RECORD ITEMS

A. OU-2 Balance as of 4/12/2021: **\$655,389.88**

COMBINED OU-1 & OU-2

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

- A. Report of Peter Britz of the City of Portsmouth dated 4/14/2021
- Attachment: HB494 Treatment Pilot Study Results Memo.
 - Haley Ward proposal for Spring 2021 Sampling and Reporting, Contract No. 10424028-01

Deep Bedrock Study: results were forwarded to regulators, packer sampling was done and results, which will be compiled, should be reviewable any day. MW-25 will be monitored at MW-6. In early May, they have to install transducers to measure ground water levels for about two weeks, then they do a variable rate test which takes 24 hours to determine rate that pump test will be conducted, which will happen in early June, estimated.

PFOSA Investigation: talked with regulators and agreed we would work with an independent lab reviewing company. Haley Ward will work with them. We'll make a recommendation to regulators after we get the results.

Landfill Gas Data Collection: We do this each year. Every five years we do an additional two vents. We'll see the results soon from the late March collection. While the results of the monitoring points outside of the landfill come back at or very near zero every year, there is still landfill gas detected in the vents

that are within the landfill cap. According to NHDES, when the results from these locations come back as 0, then we will be able to stop sampling.

HB494 Pilot Treatment Study: Results have been documented and have been provided with activity report. We are working on next steps. Bob said when he reads HB494, he considers us done. It says we have to implement a remedy, and we paid for it. He believes the Group has satisfied its obligations under the bill. Seth said we implemented a pilot study for a remedy. It makes sense for Seth and Curtis to confer and get back to Bob before we take this up again at the next meeting.

Attorney Seth Jaffe moved to have counsel review the CLG's obligations under HB-494; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the motion passed.

Spring Sampling: Peter said this was a late receipt and he was requesting approval to have this contract signed. This is for Spring 2021 sampling – see item VII-A.b above.

Attorney Seth Jaffe moved to authorize Chair Eric Spear to sign this contract; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the motion passed.

Peter said the contract for the pump test, what the Committee agreed to at the March 3, 2021, meeting was \$193,000 (*note that the 3/3/21 minutes on page 4 stated \$93,000 instead of \$193,000*). That contract was reduced to \$190,000. It was under the 10% change that the group agreed to. Peter wanted to make mention for the record.

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

A. Approved Minutes of the Coakley Executive Committee 1/13/2021 meeting; approved on 3/3/2021; executed on 3/8/2021.

Attorney Seth Jaffe moved to accept Record Item VIII – a; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the motion passed.


IX. OTHER BUSINESS

Bob briefly mentioned the Right-to-Know law and how it applies to records. He wants to keep the issue active. Bob also raised the issue of callers on the conference line choosing to remain silent rather than identify themselves when explicitly asked. (*Post-meeting note: This issue can be addressed by accessing the portal for the teleconferencing system. It identifies all callers' names and/or their telephone numbers*).

X. SCHEDULE THE NEXT COAKLEY EXECUTIVE COMMITTEE MEETING

The next meeting of the Coakley Executive Committee is scheduled for Wednesday, May 12, 2021, at 9:30 a.m.

Dated: 5/19/2021 _____

DocuSigned by:

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 Eric Spear, Chair
 Coakley Executive Committee

Respectfully Submitted, Marian Steimke