

**COAKLEY EXECUTIVE COMMITTEE
MEETING MINUTES
Tuesday, January 18, 2022 – 10:00 a.m.
Law Library, Portsmouth City Hall**

The Coakley Executive Committee (EC) Teleconference call commenced at 10:05 a.m.

In attendance: Chairman Eric Spear (Municipalities); Seth Jaffe, Esq., (Generators); Robert P. Sullivan, Esq.; Peter Britz, and Marian Steimke.

Conferenced in by phone: Curtis Shipley, Esq. (Transporters); Dan MacRitchie and Joe Montello.

Others in attendance by phone: Michael Tully, Town Administrator of N. Hampton; Matt Scruton, Town Administrator of Greenland; Susan Parker, PDA Representative of Greenland and Newington; Toni Niles; Mike Edgar and Mindi Messmer.

I. Review the minutes of the 12/15/2021 Coakley Teleconference call.

Attorney Seth Jaffe moved to approve the minutes, Attorney Curtis Shipley seconded. On a 3-0 vote, the motion passed.

OU-1

II. BILLS – All payment certifications are dated 1/18/2022.

City of Portsmouth

A.	Invoice #2901123265 dated 12/14/2021	50% \$2,750.00
	Peter Britz & Financial services - 12/2021	

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

Haley Ward Invoices dated: 12/10/2021
Services through: 11/28/2021

B.	Invoice #20211776	35% \$300.12
	2021 Spring Sampling	

C.	Invoice #20211777	35% \$225.75
	Fall 2020 Sampling	

D.	Invoice #20211778	35% \$420.88
	General Technical Assistance	

E.	Invoice #20211834	35%	\$15,062.45
	Fall 2021 Sampling		

Peter explained the invoices:

Item II-B: Report writing for spring 2021 sampling effort.

Item II-C: Some changes required to correct/edit the annual report.

Item II-D: Work in coordination with the agencies.

Item II-E: Additional data analysis and private water supply sampling work done.

Attorney Seth Jaffe moved to approve items II – B through E for payment; Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.

Piscataqua Savings Bank

F.	Invoice dated:	12/22/2021	100%	\$2,500.00
	Services through:	11/30/2022		

Attorney Seth Jaffe moved to approve item II – F for payment; Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.

Bob joined meeting at this time 10:11. Dan joined the meeting at 10:15.

The group briefly discussed the upcoming tax season and concern about inconsistency of tax preparation between the filings of the two trusts.

III. OU - 1 ACTION ITEMS

Ensure consistency of tax returns for the two trusts.

IV. OU - 1 RECORD ITEMS

A. OU – 1 Balance as of 1/10/2022: **\$120,142.92**

OU-2

V. BILLS – All payment certifications are dated 1/18/2022.

City of Portsmouth

A.	Invoice #2901123265 dated 12/14/2021	50%	\$2,750.00
	Peter Britz & Financial services - 12/2021		

Attorney Seth Jaffe moved to approve item V – A for payment; Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.

Haley Ward Invoices dated: 12/10/2021
Services through: 11/28/2021

B.	Invoice #20211775 Groundwater Management Permit Renewal	100%	\$130.00
C.	Invoice #20211776 2021 Spring Sampling	65%	\$557.38
D.	Invoice #20211777 Fall 2020 Sampling	65%	\$419.25
E.	Invoice #20211778 General Technical Assistance	65%	\$781.62
F.	Invoice #20211779 Stormwater (Surface Water Interaction Study)	100%	\$12,551.47
G.	Invoice #20211780 Bedrock Investigation Activities	100%	\$37,416.75
H.	Invoice #20211834 Fall 2021 Sampling (corrected)	65%	\$27,973.12

Peter explained the invoices:

Item V-B: He'll have an update at the next meeting.

Item V-C: Same as Item II-B 2021 Spring Sampling.

Item V-D: Same as Item II-C Fall 2020 Sampling.

Item V-E: Same as Item II-D General Technical Assistance.

Item V-F: We are now calling this Stormwater/Surface Water Interaction Study, and this included work with Alpha Lab, equipment rental and lab fees to Alpha.

Item V-G: This included completion of borehole tests and results.

Item V-H: Same as Item II-E. The agenda incorrectly listed this item as *Bedrock Investigation Activities*. The correct work description is *Fall 2021 Sampling* and is noted in these minutes.

Attorney Seth Jaffe moved to approve items V – B through H for payment; Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.

Piscataqua Savings Bank

I.	Invoice dated: 12/22/2021 Services through: 11/30/2022	100%	\$2,500.00
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Attorney Seth Jaffe moved to approve item V – I for payment; Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.

Those present discussed the tax issue of why the accountant, Dave Hamilton of Hodgdon, Wilson & Griffin, would treat the two trusts for OU-1 and OU-2 differently (*post-meeting note: OU-1 as a QSF with a Form 1120-SF filed, and OU-2 as a regular grantor trust with a Form 1041 filed*), resulting in them being taxed differently from one another. The history of this (past minutes, emails and meetings) will be revisited with the goal of having the two trusts treated and taxed consistently with one another.

VI. OU - 2 ACTION ITEMS

Ensure consistency of tax returns for the two trusts.

VII. OU - 2 RECORD ITEMS

A. OU-2 Balance as of 1/10/2022: **\$189,585.69**

COMBINED OU-1 & OU-2

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

A. Report of Peter Britz of the City of Portsmouth dated 1/18/2022.

Deep Bedrock Study

The Deep Bedrock Study has been submitted to EPA and NHDES for their review. They have confirmed receipt. Their review takes some time to complete.

HB-494 Pilot Treatment Study

XDD's new name is Loureiro. There may be a change in the cost of the report due to modifications.

MW-25 Well Completion

EPA approved a new OU-2 well for completion. The completion involves the installation of screened intervals within the drilled well. This work is hoped to be completed during frozen ground conditions.

Spring Sampling Report

The report has been uploaded to DES OneStop and is accessible via that portal.

DOJ Invoice Sent Out

DOJ Invoice #13 was sent out on January 10, 2022, requesting reimbursement in the amount of \$149,724.14 for the Federal portion of OU-2 response costs.

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

A. Minutes of the Coakley Executive Committee 11/3/2021 meeting; approved on 12/15/2021 and executed on 12/20/2021.

Attorney Seth Jaffe moved to place Item IX – A on record. Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.

X. OTHER BUSINESS

There was no other business.

XI. SCHEDULE THE NEXT COAKLEY EXECUTIVE COMMITTEE MEETING

The next Coakley meeting will be held on Tuesday, March 10, 2022 at 10:00 a.m. in the Law Library of Portsmouth City Hall.

Attorney Seth Jaffe moved to adjourn at 10:23 a.m. Attorney Curtis Shipley seconded this motion. The motion passed.

Dated: 3/23/2022

DocuSigned by:

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Eric Spear, Chair
Coakley Executive Committee

Respectfully Submitted, Marian Steimke