

**COAKLEY EXECUTIVE COMMITTEE**  
**MEETING MINUTES**  
**Wednesday, April 14, 2022 – 9:00 AM**  
**Law Library, Portsmouth City Hall**

The Coakley Executive Committee (EC) Teleconference call commenced at 9:03 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:** Matthew Scruton Town of Greenland; Mike Edgar.

**Others conferenced in by phone:** Michael Tully, N. Hampton; John Tuthill; Susan Parker, Greenland and Mindi Messmer.

- I. Review the minutes of the 3/23/2022 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 4/14/2022

**City of Portsmouth**

- A. Invoice #2901267589 dated 3/24/2022  
Peter Britz & Financial services - 3/2022 \$2,750.00

**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.**

**DC MacRitchie** Invoice dated 4/1/2022  
Services rendered through 3/23/2022

- B. Invoice #205716 \$1,384.00  
Professional Services

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

**Haley Ward** Invoices dated 1/21/2022 unless otherwise noted  
Services rendered through 12/26/2021

C.	Invoice #20220278 Dated 1/20/2022 General Technical Assistance	\$651.00
D.	Invoice #20220340 2021 Spring Sampling	\$162.38
E.	Invoice #20220342 Stormwater	\$1,164.62
F.	Invoice #20220343 Fall 2021 Sampling	\$1,817.38

There were three sets of invoices from Haley Ward for this meeting. Approval of the first two sets had been deferred from the March meeting. We had told Haley Ward we could use money out of other contracts that had budgets remaining. Normally a 35/65 percentage split is applied to certain invoices for OU1 and OU2 respectively while other invoices are assigned fully to OU-1 or OU-2. The percentages last month were not accurate on the agenda due to shifting the funds between contracts. For this month, Peter verified that the dollar amounts are all accurate. So essentially, when we shifted the money, it impacted the percent distribution between the two operational units.

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

**Haley Ward**

Invoices dated 2/22/2022  
Services rendered through 1/30/2022

G.	Invoice #20220915 General Technical Assistance	\$1,171.63
H.	Invoice #20220918 Stormwater	\$2,543.55
I.	Invoice #20220919 Groundwater Management Permit Renewal	\$767.29
J.	Invoice #20220920 Fall 2020 Sampling	\$1,020.60
K.	Invoice #20220921 2021 Spring Sampling	\$4,025.74

L. Invoice #20220922 \$134.75  
Fall 2021 Sampling

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

**Haley Ward** Invoices dated 3/15/2022

M. Invoice #20221225 \$5,365.12  
Fall 2021 Sampling  
Services rendered through 3/6/2022

N. Invoice #20221227 \$807.63  
General Technical Assistance  
Services rendered through 2/27/2022

Peter explained that Item M was Fall 2021 sampling and 35% of the bill was applied to OU-1 since 35% of the wells are OU-1. Item N involved coordination with the agencies and weekly calls with the agencies – also 35% of the invoice.

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

### III. **OU - 1 ACTION ITEMS**

There were no action items.

### IV. **OU - 1 RECORD ITEMS**

A. OU – 1 Balance as of 4/12/2022: **\$91,799.43**

### **OU-2**

V. **BILLS** – All payment certifications are dated 4/14/2022

#### **City of Portsmouth**

A. Invoice #2901267589 dated 3/24/2022  
Peter Britz & Financial services - 3/2022 \$2,750.00

**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.**

**DC MacRitchie**

Invoice dated 4/1/2022  
 Services rendered through 3/23/2022

B	Invoice #205716 Professional Services	\$1,384.00
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**Attorney Seth Jaffe moved to approve item V – B for payment; Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.**

**Haley Ward** Invoices dated 1/21/2022 unless otherwise noted  
 Services rendered through 12/26/2021

C.	Invoice #20220278 Dated 1/20/2022 General Technical Assistance	\$1,209.00
D.	Invoice #20220279 Dated 1/20/2022 Fall 2020 Sampling	\$1,295.00
E.	Invoice #20220340 2021 Spring Sampling	\$18,046.77
F.	Invoice #20220341 Bedrock Investigation Activities	\$4,577.50
G.	Invoice #20220342 Stormwater	\$14,899.79
H.	Invoice #20220343 Fall 2021 Sampling	\$3,375.12

These had been explained and were deferred at the March meeting.

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

**Haley Ward**

Invoices dated 2/22/2022  
 Services rendered through 1/30/2022

I.	Invoice #20220915 General Technical Assistance	\$2,175.87
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J.	Invoice #20220916 Bedrock Investigation Activities	\$330.00
K.	Invoice #20220917 Geophysical Investigations	\$4,256.25
L.	Invoice #20220918 Stormwater	\$7,965.30
M.	Invoice #20220919 Groundwater Management Permit Renewal	\$2,414.98
N.	Invoice #20220920 Fall 2020 Sampling	\$3,095.21
O.	Invoice #20220921 2021 Spring Sampling	\$7,476.40
P.	Invoice #20220922 Fall 2021 Sampling	\$250.25

**Haley Ward**

Invoices dated 3/15/2022

Q.	Invoice #20221225 Fall 2021 Sampling Services rendered through 3/6/2022	\$9,963.79
R.	Invoice #20221226 <i>*note this item is over contract by \$877.84</i> Bedrock Investigation Activities Services rendered through 3/6/2022	\$19,501.30*
S.	Invoice #20221227 General Technical Assistance Services rendered through 2/27/2022	\$1,499.87

Peter said Item Q, the Fall 2021 Sampling involved work on the full year report. Peter explained the issue with Item R. Our contracts are a “do not exceed”. In this case Haley Ward spent more than the contract amount. They did do the work. Peter asked how to handle the situation, and Bob suggested having this discussion in nonpublic session.

**Attorney Seth Jaffe moved to approve items V – Q & S for payment and defer discussion on Item R; Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.**

## **VI. OU - 2 ACTION ITEMS**

There were no action items.

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

A. OU-2 Balance as of 4/12/2022: **\$238,517.63**

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

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

- A. Report of Peter Britz of the City of Portsmouth dated 4/14/2022
- i) Attachment: Draft two year budget projection;
  - ii) Attachment: Haley Ward contract proposal for Spring 2022 Sampling

### **Deep Bedrock Study**

We responded to the EPA comments with an approach. We'll wait for feedback from them before proceeding. Seth suggested not rewriting the report until the additional work is done so that the updated report reflects the new work.

### **HB-494 Pilot Treatment Study**

We are at a completion point in terms of what we have asked the contractor to do. The technical committee has asked the report be revised on two occasions to provide additional information. The technical committee will be working to come up with an approach moving forward. The contractor Loureiro has been good to work with.

### **Residential Well Results**

The two residential wells that exceeded the state standards are on Breakfast Hill Road and Lafayette Road. Peter will get costs on providing drinking water via a new water line or filtration system. DES also asked how we will serve these properties. There has been discussion with owners but not about this. The owners are aware of the exceedances. The Lafayette road homeowner is interested in a water line. The Breakfast Hill Road homeowner is not yet living in the house. The options of filtration versus a new line will be explored.

### **Assessment**

After looking at additional work since the last Coakley meeting in March, and based on comments from EPA, Dan and Peter believe \$400,000 is a more accurate estimate to handle costs. As appropriate, in the fall we will look at estimated costs for 2023, he said. We are just

doing the assessment for what we need for this year, he added. The bulk is all OU2, and we are going to need money promptly.

**Attorney Seth Jaffe moved to approve the assessments as recommended and listed in the Activity Report from Peter Britz, dated April 14, 2022. Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.**

Peter will send the assessments out today.

### **Spring Sampling 2022**

The dollar amount of Haley Ward's Proposal for Spring 2022 Sampling and Reporting represents a significant increase. This number could change, but that is unlikely. Some changes were required due to cost increases. Peter is hoping to have this contract signed, but there are still questions for Haley Ward.

**Attorney Seth Jaffe moved to authorize Chair Spear to sign the contract in an amount not to exceed \$145,750.00. Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.**

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

- A. Minutes of the Coakley Executive Committee 1/18/2022 meeting; approved and executed on 3/23/2022.
- B. 2021 US Income Tax Return for Settlement Funds Form 1120-SF
- C. 2021 US Income Tax Return for Estates and Trusts Form 1041

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

## **X. OTHER BUSINESS**

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

**The next meeting is scheduled for Friday May 13, 2022 at 9:00 am in the Law Library.**

## **XII. NON-PUBLIC SESSION**

**Attorney Seth Jaffe moved to enter non-public session to discuss the Haley Ward contract in accordance with RSA 91A:3 II(I). Attorney Curtis Shipley seconded. On a 3-0 vote, the motion passed at 9:28 am.**

<p style="text-align: center;"><b>Coakley Executive Committee</b> <b><u>Non-Public Session Minutes</u></b> <b>Wednesday, April 14, 2022</b> <b>Law Library, Portsmouth City Hall and by remote access</b></p>
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The Coakley Executive Committee (EC) non-public session commenced at 9:28 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.

The group discussed the Haley Ward contracts.

**Attorney Seth Jaffe moved to adjourn the non-public session and resume the public portion of the meeting. Attorney Curtis Shipley seconded. On a 3-0 vote, the motion passed at 10:17 am.**

Mike Edgar returned to the meeting at this time. Peter opened the phone lines.

**Attorney Seth Jaffe moved to adjourn meeting. Attorney Curtis Shipley seconded. On a 3-0 vote, the motion passed at 10:18 am.**

Dated: 5/13/2022

DocuSigned by:  
  
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Eric Spear, Chair  
Coakley Executive Committee

Respectfully Submitted, Marian Steimke