

COAKLEY EXECUTIVE COMMITTEE
Teleconference and Meeting Minutes
 Wednesday, February 15, 2023 – 9:30 AM
 Law Library, Portsmouth City Hall

In attendance: Chairman Eric Spear, City Attorney Susan Morrell, Attorney Bob Sullivan, Peter Britz and Marian Steimke.

Conferenced in by phone: Attorney Seth Jaffe, Attorney Curtis Shipley, Dan MacRitchie.

Others in attendance: Matthew Scruton, Town of Rye and Mike Edgar.

Others conferenced in by phone: Susan Parker, Greenland, Michael Tully, North Hampton, R. Lopresto and Mindi Messmer.

The Coakley Executive Committee (EC) Teleconference call commenced at 9:33 a.m.

Bob gave a history of the formation of the Coakley Landfill Group as it relates to the Right to Know law and public bodies. He explained that for any public body to meet and take any action, a quorum must be physically present. To conduct any business, approve bills to be paid, etc., there is a provision in the Participating Parties Agreement which allows the use of proxy votes by Executive Committee (EC) members. The EC member would determine a proxy to make the vote on their behalf, but the proxy must be physically present.

Attorney Seth Jaffe appointed Attorney Bob Sullivan as proxy to vote for him and his group of Generators. Attorney Jaffe was on the phone line.

I. Review the minutes of the 11/15/2022 Coakley Teleconference call

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

OU-1

II. BILLS All payment certifications are dated 2/15/2023

City of Portsmouth

A.	Invoice #2901622779 dated 12/14/2022 Peter Britz & Financial services - 12/2022	\$2,750.00	50%
B.	Invoice #2901654127 dated 1/17/2023 Peter Britz & Financial services - 1/2023	\$2,750.00	50%
C.	Receipt # 38857 dated 11/30/2022 Reimburse City for storage - Nov partial	\$4.38	50%

D.	Receipt # 38858 dated 11/30/2022 Reimburse City for storage Lock	\$5.00	50%
E.	Receipt # 39322 dated 12/1/2022 Reimburse City for storage - Dec 2022	\$131.50	50%
F.	Receipt # 40243 dated 1/2/2023 Reimburse City for storage - Jan 2023	\$131.50	50%
G.	Receipt # 41157 dated 2/1/2023 Reimburse City for storage - Feb 2023	\$131.50	50%

Attorney Curtis Shipley moved to approve items II – A through G for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

Wood Bros Moving & Storage

H.	Invoice #03970T dated 12/1/2022 Move Coakley 150+ boxes to storage on 12/1/2022	\$305.00	50%
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Attorney Curtis Shipley moved to approve item II – H for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

Piscataqua Savings Bank

I.	Invoice: PSB Memo dated 1/31/2023 Trust account services through 11/2023	\$2,500.00	50%
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Attorney Curtis Shipley moved to approve item II – I for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

WSP USA

J.	Invoice #J02215095 dated 11/11/2022 Fall 2022 Biannual Groundwater Sampling Services rendered through 10/28/2022	\$9,365.73	35%
K.	Invoice #J02215235 dated 12/6/2022 Fall 2022 Biannual Groundwater Sampling Services rendered through 11/25/2022	\$4,087.85	35%

- L. Invoice #J02215527 dated 2/7/2023 \$4,738.06 35%
Fall 2022 Biannual Groundwater Sampling
Services rendered through 1/27/2023
- M. Invoice #J02215528 dated 2/7/2023 \$29.75 35%
Groundwater Management Permit Renewal
Services rendered through 1/27/2023

Item J involved rentals and sampling. Item K related to updating where we are at with the regulators and review of PFAS data. Item L was for field expenses and review of data as it came in. These invoices are all within the contract amount.

Attorney Curtis Shipley moved to approve items II – J through M for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

Haley Ward

- N. Invoice #20225410 dated 10/12/2022 \$342.41 35%
General Technical Assistance through 10/11/22

This was an invoice from October which included getting data to WSP.

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

Piscataqua Landscaping

- O. Invoice #44947 dated 10/10/2022 \$11,730.41 100%
Mowing field & brush through 10/3/22

The annual mowing was done by a new contractor. The price was similar to the previous contractor, however this company did a lot more work, including woody brush removal. This amount is consistent with their proposal.

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

III. OU - 1 ACTION ITEMS

Total OU-1 invoices approved for payment on 2/15/2023:

City / Britz & Finance Services	\$5,500.00
City / Storage	\$403.88
Haley Ward	\$342.41
WSP USA	\$18,221.39
Wood Bros Moving	\$305.00
Piscataqua Landscaping	\$11,730.41
Piscataqua Savings Bank	\$2,500.00
Total OU-1 invoices approved:	\$39,003.09

IV. OU - 1 RECORD ITEMS

A. OU – 1 Balance as of 2/10/2023: **\$290,516.13**

B. Assessments received as of 2/10/2023:

Received:

Portsmouth:	\$107,106.00	12/20/2022
N. Hampton:	\$8,124.00	12/27/2023
Newington:	\$10,924.00	1/10/2023
Generator:	\$40,000.00	12/14/2022
Waste Management*	\$9,230.00	1/30/2023
Browning-Ferris Trucking*	\$24,616.00	

**Entries incorrectly shown on the agenda are corrected here.*

OU-2

V. **BILLS** All payment certifications are dated 2/15/2023

City of Portsmouth

A. Invoice #2901622779 dated 12/14/2022 \$2,750.00 50%
Peter Britz & Financial services - 12/2022

B. Invoice #2901654127 dated 1/17/2023
Peter Britz & Financial services - 1/2023 \$2,750.00 50%

C.	Receipt # 38857 dated 11/30/2022 Reimburse City for storage - Nov partial	\$4.38	50%
D.	Receipt # 38858 dated 11/30/2022 Reimburse City for storage Lock	\$5.00	50%
E.	Receipt # 39322 dated 12/1/2022 Reimburse City for storage - Dec 2022	\$131.50	50%
F.	Receipt # 40243 dated 1/2/2023 Reimburse City for storage - Jan 2023	\$131.50	50%
G.	Receipt # 41157 dated 2/1/2023 Reimburse City for storage - Feb 2023	\$131.50	50%

Attorney Curtis Shipley moved to approve items V – A through G for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

Wood Bros Moving & Storage

H.	Invoice #03970T dated 12/1/2022 Move Coakley 150+ boxes to storage on 12/1/2022	\$305.00	50%
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Attorney Curtis Shipley moved to approve item V – H for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

Piscataqua Savings Bank

I.	Invoice: PSB Memo dated 1/31/2023 Trust account services through 11/2023	\$2,500.00	100%
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Attorney Curtis Shipley moved to approve item V – I for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

WSP USA Services rendered through 10/28/2022

J.	Invoice #J02215102 dated 11/14/2022 Deep Bedrock Investigation Final Report	\$280.00	100%
K.	Invoice # J02215094 dated 11/11/2022 Deep Bedrock Well Installation Work Plan	\$827.60	100%

L.	Invoice #J02215095 dated 11/11/2022 \$ Fall 2022 Biannual Groundwater Sampling	17,393.49	65%
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Item J involved uploading and formatting the final report. Item K includes revisions to the Work Plan and calls to the town and DigSafe in preparation for geophysics work. Item L is the same as OU-1 Item J.

Attorney Curtis Shipley moved to approve items V – J through L for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

WSP USA Services rendered through 11/25/2022
Invoices dated 12/6/2022

M.	Invoice #J02215233 Deep Bedrock Investigation Final Report	\$255.00	100%
N.	Invoice #J02215234 Deep Bedrock Well Installation Work Plan	\$1,360.00	100%
O.	Invoice #J02215235 Fall 2022 Biannual Groundwater Sampling	\$7,591.72	65%

These invoices are payment for work related to access letters, revisions to the Plan and private well coordination.

Attorney Curtis Shipley moved to approve items V – M through O for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

WSP USA Services rendered through 1/27/2023
Invoices dated 2/7/2023

P.	Invoice #J02215524 Deep Bedrock Investigation Final Report	\$2,465.00	100%
Q.	Invoice #J02215525 Deep Bedrock Well Installation Work Plan	\$4,163.64	100%
R.	Invoice #J02215526 Revised Surface Water Evaluation	\$1,650.00	100%
S.	Invoice #J02215527 Fall 2022 Biannual Groundwater Sampling	\$8,799.25	65%

T.	Invoice #J02215528 Groundwater Management Permit Renewal	\$55.25	65%
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Item P: Developing a response and information as requested by the agencies.
 Item Q: In person discussions on where to place wells and where to do geophysical work.
 Item R: Review and summary of activities. Review of EPA meeting notes.
 Item S: Well sampling for specific properties.
 Item T: Permit renewal.

Attorney Curtis Shipley moved to approve items V – P through T for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

Haley Ward

U.	Invoice #20225410 dated 10/12/2022 General Technical Assistance through 10/11/22	\$635.89	65%
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Attorney Curtis Shipley moved to approve item V – U for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

Loureiro

V.	Invoice #017CL2.01-1 dated 3/15/2022 Remedial Options Eval through 2/28/22	\$3,862.50	100%
W.	Invoice #017CL2.01-4 dated 7/22/2022 Remedial Options Eval through 6/30/22	\$1,220.00	100%

These are old invoices. Loureiro had done the work, but had never submitted the invoices to us, as they had transition issues. They are not being asked to do anything further at this time.

Attorney Curtis Shipley moved to approve items V – V and W for payment; Attorney Bob Sullivan seconded this motion. On a 3-0 vote, the motion passed.

The group discussed keeping a running account of costs on a monthly basis.

ARM - Water Techs

X.	Invoice#1109221 dated 11/9/2022 368 Breakfast Hill Rd. 1,4-Dioxane & PFAS Sampling & lab fees; Maintenance	\$2,135.00	100%
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This invoice is for sampling and maintenance of carbon filtration units at this location. This is an annual change out at this site. The other site is based on usage.

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

VI. OU - 2 ACTION ITEMS

Total OU-2 invoices approved on 2/15/2023:

City / Britz & Finance Services	\$5,500.00
City / Storage	\$403.89
Haley Ward	\$635.89
WSP USA	\$44,840.95
Wood Bros Moving	\$305.00
Piscataqua Savings Bank	\$2,500.00
ARM - Water Techs	\$2,135.00
Loureiro	\$5,082.50
Total OU-2 invoices approved	\$61,403.23

VII. OU - 2 RECORD ITEMS

A. OU-2 Balance as of 2/10/2023: **\$495,269.37**

B. Assessments received as of 2/10/2023:

		Received:
Portsmouth:	\$160,653.00	12/20/2022
N. Hampton:	\$12,189.00	12/27/2022
Newington:	\$16,389.00	1/10/2023
Generator:	\$60,000.00	
Waste Management*	\$13,845.00	1/30/2023
Browning-Ferris Trucking*	\$36,924.00	

**Entries incorrectly shown on the agenda are corrected here.*

COMBINED OU-1 & OU-2

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

A. Report of Peter Britz of the City of Portsmouth dated 2/15/2023.

Deep Bedrock Study: The EPA conditionally approved the Study Report, and the conditions given by the EPA are being worked on. An addendum to the Report is due to the EPA on March 31, 2023.

GMZ: We postponed submitting the final application until the Deep Bedrock Study was complete, as per DES. The amended application will be completed soon.

Southern Well Installation Workplan: Some property owners have not responded to the access letters sent. Others are hesitant about providing access; however, we are making progress. We should be able to start that work in a month.

Overburden Well Installation Contract: This will provide a clean edge well to the west. This is an inexpensive well, as it is not too deep. This work will be done in the next few months.

2022 Fall Sampling: This is complete, and we expect the validated data soon.

Water Service Connections: The owner at 178A Lafayette Road has now signed the access agreement. We are working with the contractor to install the waterline. The Breakfast Hill owner asked for installation of a sprinkler line, but the CLG will only pay for the installation of a drinking water line. We will break up the costs, with the property owner paying for installation of the fire service, and the CLG paying for installation of the the drinking water line. The property owners will be responsible for paying for supplied water.

Response to question whether we are on track with our budget. Overall, the biggest unanticipated expenses will be when we get the report back on the Deep Bedrock Study. We've put some money aside for that, but otherwise, we are mostly on track.

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

- A. Minutes of the Coakley Executive Committee 10/11/2022 meeting; approved and executed on 11/21/2022.
- B. Certificate of Liability Insurance dated 12/8/2022 naming Haley Ward as the insured with CLG as certificate holder.
- C. Certificate of Liability Insurance dated 1/4/2023 naming Haley Ward as the insured with CLG as certificate holder.
- D. Proxy: Attorney Seth Jaffe to Attorney Robert Sullivan in email dated 2/14/2023 for votes required at EC 2/15/2023 meeting.

X. OTHER BUSINESS

- A. Recommendation from CPA to move forward with applying for EIN for OU-2 tax purposes.

Curtis explained how the taxes for each of the two trust accounts had been handled inconsistently over the years, but they should have been handled consistently with one another. It will be necessary to apply for an EIN for the OU-2 trust account, and the CPA needs the authorization to do that, in order to rectify back records. The amount of money involved is minor.

Attorney Bob Sullivan moved to authorize the CPA to apply for the EIN for the OU-2 Trust account for tax purposes. Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.

XI. PUBLIC COMMENT

There was no one from the public that spoke.

XII. SCHEDULE THE NEXT COAKLEY EXECUTIVE COMMITTEE MEETING

The next Coakley meeting will be held on Tuesday, March 21, 2023 at 10:15 am in the Portsmouth Law Library of City Hall.

Attorney Bob Sullivan moved to adjourn. Attorney Curtis Shipley seconded. On a 3-0 vote, the motion passed at 10:10 a.m.

Dated: 3/21/2023

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

Respectfully Submitted, Marian Steimke