

COAKLEY EXECUTIVE COMMITTEE  
Teleconference and Meeting MINUTES  
Wednesday, August 30, 2023  
Law Library, Portsmouth City Hall

**In attendance:** Chairman Glenn Normandeau, Attorney Seth Jaffe, Attorney Bob Sullivan, Peter Britz, Susan Morrell, Jillian Harris, Synthia Ravell and Marian Steimke.

**CLG conferenced by phone:** Attorney Curtis Shipley and Joe Montello.

**Others in Attendance:** Rep. Mike Edgar, Rep Chris Muns

**Others conferenced in by phone:** Matt Scruton, Town Administrator of Rye, Michael Tully, N. Hampton

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

I. **Review Minutes** of the 7/13/2023 Coakley meeting.

**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 OU-1 payment certifications are dated: 8/30/2023

**City of Portsmouth**

A.	Invoice #2901945006 dated 7/21/2023 Peter Britz & Financial services - 7/2023	\$2,750.00	50%
B.	Invoice #2901975721 dated 8/17/2023 Peter Britz & Financial services - 8/2023	\$2,750.00	50%
C.	Receipt #46804 dated 8/1/2023 Reimburse City for storage - August 2023	\$131.50	50%

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

**Tomforde Environmental Services (TES)**

D.	Invoice #736 Invoice dated 8/23/2023 Finalize Report & Submit	\$162.50	100%
E.	Invoice #657 Invoice dated 5/30/2023 Landfill gas work, monitoring & report Note: approved on 7/13/2023, but payment was withheld until work completed	\$2,250.64	100%

Item D involved submission of the report to the agencies and uploading. Item E did not need approval as it was approved on 7/13/2023.

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

**DC MacRitchie**

F. Invoice #205860 dated 7/28/2023 \$1,085.00 50%  
Professional Services through 7/19/2023

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

**WSP USA** Services through: 7/28/2023  
Invoices dated: 8/7/2023

G. Invoice #J02216478 \$99.23 35%  
Revised Surface Water Eval WP

H. Invoice #J02216484 \$35,440.47 35%  
Spring 2023 Biannual Groundwater Sampling

Item G included contracting with USDA for beaver control. Item H was the bulk of the contract for the spring sampling for this year.

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

**III. OU - 1 ACTION ITEMS**

A. Total of invoices requested for approval: \$44,669.34

**IV. OU - 1 RECORD ITEMS**

A. Trust balance as of 8/21/23: \$246,818.17

B. Year to date OU-1 Invoices paid:

<u>Date Approved</u>	<u>Amount Paid</u>
2/15/2023	\$39,003.09
3/21/2023	\$ 5,631.50
4/26/2023	\$ 7,360.68
6/21/2023	\$21,848.93
7/13/2023	\$ 454.38
<b>Total year to date:</b>	<b>\$74,298.58</b>

OU-2**V. BILLS** All payment certifications are dated 8/30/2023**City of Portsmouth**

A.	Invoice #2901945006 dated 7/21/2023 Peter Britz & Financial services - 7/2023	\$2,750.00	50%
B.	Invoice #2901975721 dated 8/17/2023 Peter Britz & Financial services - 8/2023	\$2,750.00	50%
C.	Receipt #46804 dated 8/1/2023 Reimburse City for storage - August 2023	\$131.50	50%

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

**DC MacRitchie**

D.	Invoice #205860 dated 7/28/2023 Professional Services through 7/19/23	\$1,085.00	50%
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**Attorney Seth Jaffe moved to approve item V – D for payment; Attorney Curtis Shipley seconded this motion. On a 3-0 vote, the motion passed.**

**WSP USA** Services rendered through: 2/24/2023

E.	Invoice #J02215872 dated 3/16/2023 Groundwater Mgt Permit Appl - Corrected	\$386.75	100%
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**WSP USA** Services through: 7/28/2023  
Invoices dated: 8/7/2023

F.	Invoice #J02216476 Deep Bedrock Investigation Reporting	\$170.00	100%
G.	Invoice #J02216477 Well Installation Work Plan	\$4,311.68	100%
H.	Invoice #J02216478 Revised Surface Water Eval WP	\$184.27	65%
I.	Invoice #J02216484 Spring 2023 Biannual Groundwater Sampling	\$65,818.02	65%

Item E is a corrected invoice. Item F included preparation for and meeting with the EPA.

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

**VI. OU – 2 ACTION ITEMS**

A. Total of invoices requested for approval: \$77,587.22

**VII. OU – 2 RECORD ITEMS**

A. Trust balance as of 8/21/23: \$531,042.88

B. Year to date OU-2 Invoices paid:

<u>Date Approved</u>	<u>Amount Paid</u>
2/15/2023	\$ 61,403.23
3/21/2023	\$ 5,795.44
4/26/2023	\$ 34,628.66
6/21/2023	\$ 56,704.30
<u>7/13/2023</u>	<u>\$ 4,600.62</u>
Total year to date:	\$163,132.25

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

A. Report of Peter Britz of the City of Portsmouth dated 8/30/2023

**Deep Bedrock Study Addendum** – Peter reported they'll be working with the EPA to determine how to approach work going forward based on comments received.

**GMZ Permit** – They are nearing completion of the application.

**Southern Well Installation Workplan** – This came out of the Deep Bedrock Study. Permission from the property owner is needed before we put the well into the ground. Formal permission for access has not yet been requested. We just received the final results on the geophysical study.

**Water Service Connections** – We are still awaiting a new quote for installation of a separate water and fire service line that goes under the road and to the edge of property.

**Surface Water Evaluation** – This has been a long timeframe and amount of work. We changed contractors since beginning work on this evaluation. We put together a work plan in April, and the agencies responded to that just recently. EPA has added some new work. We are hoping to finalize that work plan to have a path forward that is more straightforward than in the past.

Peter explained there is groundwater contamination being addressed at the site. The purpose of the work plan is to get an understanding of the relative contributions of groundwater and stormwater runoff to surface water to better understand the contaminant contributions of groundwater and stormwater. These co-mingle and eventually make their way to Berrys Brook. There has been a lot of work over the years to understand this. This is an effort to consolidate all the past work into one plan. There is a State bill that addresses the contaminant load to Berrys Brook. Once we understand where contaminants are coming from, we can address how to treat them. This is all within the Ground Water Management Zone.

Seth noted there are differing interpretations of HB494. Bob will send the Bill to Glenn.

**Spring Monitoring** – This work is complete. WSP has not yet completed the report.

**OU1 Maintenance Items** – Annual mowing is complete. Some fence issues must be addressed. Peter explained he can authorize up to \$10,000 for a contract.

**Landfill Gas Report** – The report was completed, and we have paid for that work.

**Contract Amendment for Bedrock Well Completion and Water Level Monitoring**  
CLG approved this contract amendment at the last meeting, and work is underway.

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

- A. Minutes of the Coakley Executive Committee 6/21/2023 meeting; approved and executed on 7/13/2023.
- B. Contract Amendment for Bedrock Well completion and Water Level Monitoring dated June 8, 2023, executed 8/16/2023 by Chair Eric Spear.
- C. Report of Peter Britz of the City of Portsmouth dated 8/30/2023

**Attorney Seth Jaffe moved to accept the record items, including the Report of Peter Britz, Attorney Curtis Shipley seconded. On a 3-0 vote, the motion passed.**

**X. OTHER BUSINESS**

This was Marian's last Coakley meeting as she is retiring.

**XI. PUBLIC COMMENT**

Mike Edgar from Hampton discussed surface water contaminants. He had spoken to DES and asked what might be done. He said there are changes coming up and reminded all that something has to be done. He acknowledged it is complicated, but there is a real concern with contaminants going into Berrys Brook.

State Rep Chris Muns said he was trying to reconcile what he's read and seen regarding HB494. He stated the specific requirements of the Bill, including: an update by November 2019. He has seen that letter which discussed progress that was made. He stated he has not seen an agreement that was required by January 1, 2020, and asked if he could have a copy of that agreement. It does not appear to him that work which was to have begun by September 2020 has begun. He asked for help in getting pointed in the right direction.

Bob stated that the CLG does not normally respond to public comment, however a response would benefit all.

**Attorney Seth Jaffe moved to suspend the rules to provide a brief response. Attorney Curtis Shipley seconded. On a 3-0 vote, the motion passed.**

Seth responded: We worked with DES; DES approved the CLG's plan to do a pilot study of treatment on Berrys Brook. The intent was to use floating booms to trap contaminants. We implemented the plan, but it did not work, and we submitted a report to DEP stating that. The CLG determined that more information was needed to understand the problem before appropriate remedial measures could be identified. These things take a long time. In cooperation with DES, we

needed to step back to gather that data to really understand where the contaminants are coming from, and determine what the interaction between surface and groundwater was.

Peter added, we must know what standard we are treating to. It is not the drinking water standard. So which standard? Having that endpoint will inform the level of treatment needed.

Chris asked when they thought all the monitoring work would be completed.

Seth said this is a question for DES, i.e., when will we have an agreement on scope with DES. Peter added that we've provided a work plan, we've gotten a response, and once we get a finalized scope, a year would be optimistic based on what they asked for. This is hard to answer until we have a final scope. EPA is on board with what we are doing so far. No one is drinking the water and we will continue to work on it.

Chris asked if they were doing any special remediation or protection along the rail trail. Peter said the plan was to add signage. He did not have an anticipated date for that but would like to aim for having it up by the completion of the rail trail work.

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

The next Coakley meeting will be held on Wednesday September 27, 2023, at 9:30 am in the Portsmouth Law Library of City Hall.

**Attorney Seth Jaffe moved to adjourn. Chair Glenn Normandeau seconded. The motion passed and the meeting adjourned at 10:19 am.**

Dated: \_\_\_\_\_

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Glenn Normandeau, Chair  
Coakley Executive Committee

As approved: 9/27/2023

Respectfully Submitted, Marian Steimke

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*Glenn Normandeau*  
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10/27/2023