

**COAKLEY EXECUTIVE COMMITTEE**  
**Wednesday, December 9, 2020**  
**10:00 a.m., Teleconference**  
**Meeting Minutes**

The Coakley Executive Committee (EC) Teleconference call commenced at 10:02 a.m.

**Conferenced in by phone:** Chairman Eric Spear, Seth Jaffe, Esq., Curtis Shipley, 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, Andrea Amico, Ted Connors, Michelle Eckstrom, Mindy Messmer, Pat Bushway, Hugh Evans, Liza McGuckin, Theresa Thompson.

**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 2020-23, 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.

- I. Review the minutes of the November 4, 2020 Coakley Teleconference call.

**Attorney Seth Jaffe moved to approve the minutes of the November 4, 2020 meeting; Attorney Curtis Shipley seconded this motion. On a roll call 3-0 vote, the Committee voted to approve the November 4, 2020 minutes.**

**OU-1**

II. **BILLS**

**City of Portsmouth**

- |    |                                                                                    |                    |
|----|------------------------------------------------------------------------------------|--------------------|
| A. | Invoice #2900635011 dated 11/19/2020<br>Peter Britz & Financial services - 11/2020 | 50%     \$2,750.00 |
|----|------------------------------------------------------------------------------------|--------------------|

**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.**

**DC MacRitchie**

Payment Certification dated: 12/9/2020  
Invoice dated: 11/9/2020  
Services rendered through: 11/4/2020

B. Invoice #205637 50% \$1,410.00  
Professional Services

Peter said Dan has done a lot of work with the budget.

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

**Piscataqua Savings Bank**

C. Invoice dated: 11/11/2020 100% \$2,500.00  
Services rendered through: 11/30/2021

This is the yearly fee billed in advance using the new payment schedule.

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

**III. OU - 1 ACTION ITEMS**

There were no action items.

**IV. OU - 1 RECORD ITEMS**

A. OU – 1 Balance as of 12/1/2020: \$297,296.08

**OU-2**

**V. BILLS**

**City of Portsmouth**

A. Invoice #2900635011 dated 11/19/2020 50% \$2,750.00  
Peter Britz & Financial services - 11/2020

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

**DC MacRitchie**

Payment Certification dated: 12/9/2020  
 Invoice dated: 11/9/2020  
 Services rendered through 11/4/2020

B. Invoice #205637 50% \$1,410.00  
 Professional Services

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

**Piscataqua Savings Bank**

C. Invoice dated: 11/11/2020 100% \$2,500.00  
 Services rendered through: 11/30/2021

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

**DES** Payment Certifications dated: 12/9/2020  
 Invoice dated: 4/29/2020  
 Services rendered through: 12/31/2019

D. Invoice # 198712001-11 100% \$1,413.89  
 Monitor/sample/data collection -residential wells

Peter said this is an old invoice and added DES will not continue to do this monitoring, so this was the last invoice for this work.

Seth said we have traditionally paid DES with reservation of rights stating why the CLG does not believe it should be responsible for these sampling costs.

**Attorney Seth Jaffe moved to approve item V – D for payment under cover of a letter to DES stating the CLG's prior reservation of rights, but also stating that we appreciate that this will be the last statement of this type. Attorney Curtis Shipley seconded this motion.**

**On a roll call 3-0 vote, the Committee voted to approve Item V – D for payment with letter.**

Peter will send the payment to DES with a reservation of rights letter in accordance with the instructions of the Executive Committee.

**ARM**

Payment Certifications dated: 12/9/2020

|    |                                   |      |            |
|----|-----------------------------------|------|------------|
| E. | Invoice#: PIN159 dated 8/17/2020  | 100% | \$695.00   |
| F. | Invoice#: PIN165 dated 11/12/2020 | 100% | \$1,724.00 |

Peter said this was for work that was done with the company that does the carbon filtration, and he explained both invoices. They have been sampling for PFAS due to the lower standards and have never had a “detect” on those contaminants on the filtered water.

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

**VI. OU - 2 RECORD ITEMS**

A. OU-2 Balance as of 12/1/2020: \$722,329.96

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

- A. Report of Peter Britz of the City of Portsmouth dated 12/9/2020 with three attachments (CES Contracts):
- Change in Services Deep Bedrock Investigation\_DPT\_10424016
    - Seeking review and approval
  - Contract Amendment Deep Bedrock Investigation\_10424016-06
    - Seeking review and approval
  - Proposed well location site plan
    - attached for reference: Figure 2\_Site Plan

Peter discussed the following details of the Activity Report:

**Surface Water Treatment:**

The pilot project installation and removal of filtration blankets is complete. We'll review results from the three rounds of samples with the group and agencies once sample results have been received.

The blankets have been removed so they do not freeze up over the winter. Peter said there are three filter blankets where all the water exits. Water flows through there, so they take samples before and after the flow hits the blankets. Seth asked when DES expected a report, and Peter said there was not a specific date but we'll get it quickly.

### Deep Bedrock Study:

We are going to put a new well in on property owned by DOT. This is an update on that process. The contract will be explained below, Peter said. We are waiting for the timber mat quotes and then get the well rig in. DES knows about this. We are expecting the range to be over \$20,000 based on one quote received so far.

### DOJ Bill:

The invoice in the amount of \$91,078.62 went out on December 3<sup>rd</sup> for time of service September 2019 through August 2020.

### CES Contracts:

(1) Direct Push Investigation (*Change in Services Deep Bedrock Investigation\_DPT\_10424016 seeking review and approval*)

We want to determine where the westward flow is. There were two non-detections of 1,4-dioxane, but one detection was in the shallow bedrock, so we wanted to confirm through this direct push investigation contract. The wells get installed as a temporary measure to identify the extent of this overburden. This work is underway and the contract needs to be approved to continue.

Joe said they were reallocating funds for work they did not need to do. They found money there that they had not used and this amendment addresses that.

Seth proposed some clarification to the cover page of the contract and said it is worth having them substitute a new front page saying there were no detections in the deep bedrock. Peter will work with CES on that.

Joe stated it would be helpful if CES included a map in future contracts.

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

(2) Additional investigations on an existing well PB-4 (*see Contract Amendment Deep Bedrock Investigation\_10424016-06 seeking review and approval*)

As part of the ongoing reporting, the regulators identified an existing well that we have not looked at on the east side of the landfill. They want to redevelop and add this well to ongoing monitoring. The other item is the contract for drilling of MW-25. Peter identified the location of this well. The contract needs to be signed so they can put that well in.

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

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

- A. CES Proposal for Surface Water Treatment Remedy and Beaver Mitigation Contract Management dated 10/23/2020 and executed by Chair Spear on 11/4/2020.
- B. Letter to DOJ dated 11/30/2020 re: Invoice 12 - from Peter Britz with attached Release signed by Peter Britz on 11/30/2020.
- C. Invoice #12 from OU-2 CLG dated 4/1/2020 for the period 9/1/2019 - 8/31/2020. Invoice sent to Settling Federal Agencies c/o The United States (DOJ).

**IX. OTHER BUSINESS**Budget discussion / Projected assessments:

Peter said he and Dan have been working on budget projections. The good news is since the group opted to not have an assessment midyear last year we budgeted enough money to get us through all of 2020. As it looks right now, we will not need an OU2 assessment for 2021. If we do all the work as estimated, we still will have \$125,000 in the bank.

In the projection we looked at for OU-1 we estimate we'll need \$125,000 in 2021 by July 2021.

Peter asked the CLG if they want to wait until July or do an assessment sooner. He indicated that by July we'll know better if that \$125,000 number is accurate.

Seth said we should wait until we have more certainty, so he suggested waiting until April. He added he was assuming that part of the estimate was based on what DES would require.

Peter said we don't know what DES might require, and it would depend on how the pilot comes out. It's best to wait, gather more data and see what the EPA might require, Seth said, and Curtis and Eric agreed. Peter said we have an updated process to enable tracking more accurately.

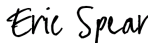
Update on taxes owed

Marian contacted CPA Dave Hamilton to relay the CLG's question of "if based on the terms of the Participation Agreements and Trust Agreements for OU-1 and OU-2, is it legitimate to treat one trust as a QSF and one as not?" Mr. Hamilton had not yet had an opportunity to review the Trust and Participation Agreements. Marian will follow up with him prior to the January 2021 meeting.

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

The next meeting is scheduled for: Wednesday, January 13, 2021, at 10:00 am  
The meeting adjourned at 10:36 a.m.

Dated: 1/20/2021

DocuSigned by:  
  
Eric Spear, Chair  
Coakley Executive Committee

Respectfully Submitted, Marian Steimke