

COAKLEY EXECUTIVE COMMITTEE
Meeting Minutes
Wednesday, July 24, 2024 at 10:00 a.m.
Legal Law Library, City of Portsmouth, New Hampshire

The Coakley Executive Committee (EC) meeting commenced at 10:00 a.m.

In attendance: Chairman Glenn Normandeau, Seth Jaffe, Esquire, Susan G. Morrell, Esquire, Robert P. Sullivan, Esquire, Peter Britz, Jillian Harris and Synthia Ravell

Joined by Teams Meeting: Curtis Shipley, Esquire

- I. Review the minutes of the May 15, 2024, Coakley Executive Meeting.

Attorney Seth Jaffe moved to approve the minutes; Attorney Curtis Shipley seconded. On a 3-0 vote, all in favor.

OU-1

- II. **BILLS:** All OU-1 payment certifications are dated July 24, 2024

City of Portsmouth*

A.	Invoice# 2902370140 dated 5/16/2023 Peter Britz & Financial Services – 1/2024 (the correct date of this invoice is 5/2024)	\$2,750.00	50%
B.	Invoice# 2902391817 dated 6/10/2024 Peter Britz & Financial Services – 6/2024	\$2,750.00	50%
C.	Invoice# 2902452183 dated 7/16/2024 Peter Britz & Financial Services – 7/2024	\$2,750.00	50%
D.	Invoice# 55979 dated 6/1/2024 Reimburse City for storage – 6/2024	\$150.50	50%
E.	Invoice# 56963 dated 7/16/2024 Reimburse City for storage – 7/2024	\$150.50	50%

Attorney Seth Jaffe moved to approve Items II – A through E for payment; Attorney Curtis Shipley seconded the motion. On a 3-0 vote, all in favor.

DC MacRitchie, LLC

F.	Invoice #205883 dated 7/1/2024 Professional Services	\$262.50	100%
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Attorney Seth Jaffe moved to approve Items II – F for payment; Attorney Curtis Shipley seconded the motion. On a 3-0 vote, all in favor.

WSP USA

G.	Invoice #J02216950, 40059198 dated 7/16/2024 Revised Surface Water Evaluation Services rendered through 5/31/2024	\$1,505.53	35%
H.	Invoice #J02216951, 40044156 dated 7/16/2024 Groundwater Management Permit Services rendered through 5/31/2024	\$602.00	35%
I.	Invoice #40044158, 40059200 dated 7/16/2024 Spring 2023 Biannual Groundwater Sampling Services rendered through 5/31/2024	\$442.12	35%
J.	Invoice #J02217310, 40044195, 400569204 dated 7/16/2024 2024 Winter SW Evaluation Services rendered through 5/31/2024	\$1,622.44	35%
K.	Invoice #J02217310, 40044195, 40059204 dated 7/16/2024 2023 Fall LTM Services rendered through 5/31/2024	\$43,265.15	35%
L.	Invoice #40044195, 40059204 dated 7/16/2024 2024 Spring LTM Services rendered through 5/31/2024	\$22,158.75	35%

Seth Jaffe questioned the date of the WSP invoices being all dated July 16, 2024. Jillian Harris confirmed that was the date the invoices were received and a reminder

that WSP had an accounting transfer, and it took them 4-5 months to issue new invoices; Peter Britz confirmed they are caught up.

Robert Sullivan noted that the parties were trying to negotiate a master agreement with WSP, and the parties are close to coming to approval. This will affect WSP's request for a contract amendment for a SAP update that they are expecting to get approved as part of the Activity Report discussion items. Sullivan estimates that this contract will amount to approximately \$16,000.00. The original agreement with Wood allowed it to stop work. WSP refused to accept new language making it responsible for stipulated penalties assessed for an unjustified work stoppage. Discussion resulted regarding the CLG's position on this issue.

Seth Jaffe stated he had one more discussion point regarding invoices. He mentioned a proposal to shift the split from 35% OU-1 / 65% OU-2 to 20% / 80% and assumes it is not going to apply to surface water issues, because it is not based on the number of wells on the site. He wanted to know why OU-1 is not assigned a higher share of the surface water evaluation costs. A lengthy discussion ensued about the allocation. Peter Britz stated that the split would need to coincide with the stated OU-1 and OU-2 allocations.

Follow-up discussion was had that the assessment was based on the 2024 budget and when a revised split should commence on January 1, 2025. Curtis Shipley agreed, unless the balance in the OU-1 account indicates otherwise. Peter Britz stated he would check on any impact to the budget. Robert Sullivan, Peter Britz, and Jillian Harris will report back to the Committee with recommendations at the next meeting.

Attorney Seth Jaffe moved to approve Items II – G through L for payment; Attorney Curtis Shipley seconded the motion. On a 3-0 vote, all in favor.

III. **OU-1 ACTION ITEMS**

A. Total of invoices requested for approval: \$78,409.49

IV. **OU-1 RECORD ITEMS**

A. Trust balance as of 6/30/2024: \$283,379.22

B. 2024 OU-1 invoices paid:

DATE APPROVED	AMOUNT PAID
1/8/2024	\$9,470.00
3/6/2024	\$14,130.85
4/11/2024	\$3,051.00
5/15/2024	\$3,360.50
Total paid in 2024:	\$30,012.35

C. Assessment status:

		Received:	Amount:
Portsmouth:	\$112,997.00	1/12/2024	\$56,498.50
N. Hampton:	\$8,571.00	12/27/2023	\$8,571.00
Newington:	\$11,525.00	5/13/2024	\$5,762.50
Generators:	\$42,200.00	4/19/2024	\$42,200.00
Browning-Ferris Trucking	\$25,970.00	5/3/2024	\$25,970.00
Waste Management	\$9,738.00	4/24/2024	\$4,869.00

OU-2**V. BILLS: All OU-2 payment certifications are dated July 24, 2024****City of Portsmouth**

A.	Invoice# 2902370140 dated 5/16/2024 Peter Britz & Financial Services – 5/2024	\$2,750.00	50%
B.	Invoice# 2902391817 dated 6/10/2024 Peter Britz & Financial Services – 6/2024	\$2,750.00	50%
C.	Invoice# 2902452183 dated 7/16/2024 Peter Britz & Financial Services – 7/2024	\$2,750.00	50%
D.	Invoice# 55979 dated 6/1/2024 Reimburse City for storage - 6/2024	\$150.50	50%
E.	Invoice# 56963 dated 7/16/2024 Reimburse City for storage – 7/2024	\$150.50	50%

**Attorney Seth Jaffe moved to approve Items V – A through E for payment;
Attorney Curtis Shipley seconded the motion. On a 3-0 vote, all in favor.**

WSP USA

F.	Invoice #J02216951, 4044156 dated 7/16/2024 Groundwater Management Permit Services rendered through 5/31/2024	\$1,118.00	65%
G.	Invoice #40044158, 40059200 dated 7/16/2024 Spring 2023 Biannual Groundwater Sampling Services rendered through 5/31/2024	\$821.08	65%
H.	Invoice #J02216949, 40044154, 40059199 dated 7/16/2024 Deep Bedrock Well Installation Work Plan Services rendered through 5/31/2024	\$95,645.58	100%
I.	Invoice #J02216950, 40059198 dated 7/16/2024 Revised Surface Water Evaluation Services rendered through 5/31/2024	\$2,795.99	65%
J.	Invoice #J02217310, 40044195, 40059204 dated 7/16/2024 2023 Fall LTM Services rendered through 5/31/2024	\$80,349.57	65%
K.	Invoice #J02217310, 40044195, 40059204 dated 7/16/2024 2024 Winter SW Evaluation Services rendered through 5/31/2024	\$3,013.10	65%
L.	Invoice #4044195, 40059204, dated 7/16/2024 2024 Spring LTM Services rendered through 5/31/2024	\$41,151.96	65%
M.	Invoice #40044159, dated 7/16/2024 Well Installation Services rendered through 5/31/2024	\$206.73	100%

**Attorney Seth Jaffe moved to approve Items V – F through M for payment;
Attorney Curtis Shipley seconded the motion. On a 3-0 vote, all in favor.**

The Water Techs

N. Invoice #0605243, dated 6/13/2024 \$4,115.00 100%
Lab and sampling fees

Attorney Seth Jaffe moved to approve Items V – item N for payment; Attorney Curtis Shipley seconded the motion. On a 3-0 vote, all in favor.

VI. OU-2 ACTION ITEMS

A. Total of invoices requested for approval: \$237,768.01

Jillian Harris noted that there are still a number of outstanding invoices.

VII. OU-2 RECORD ITEMS

A. Trust balance as of 6/30/2024: \$615,383.64

B. 2024 OU-2 invoices paid:

DATE APPROVED	AMOUNT PAID
1/8/2024	\$13,477.50
3/6/2024	\$31,125.10
4/11/2024	\$3,051.00
5/15/2024	\$3,760.50
TOTAL PAID IN 2024	\$51,414.10

C. Assessment Status:

		<u>Received:</u>	<u>Amount:</u>
Portsmouth:	\$206,171.00	1/12/2024	\$103,085.50
N. Hampton:	\$15,643.00	12/27/2023	\$15,643.00
Newington:	\$21,033.00	5/13/2024	\$10,516.50
Generators:	\$77,000.00	2/20/2024	\$77,000.00
Browning-Ferris Trucking	\$47,386.00	5/3/2024	\$47,386.00
Waste Management	\$17,768.00	4/24/2024	\$8,884.00

COMBINED OU-1 AND OU-2

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

- A. Report of Peter Britz and Jillian Harris of the City of Portsmouth dated 7/24/2024.

GMZ Permit: Survey work is scheduled for the July/August time frame in order to update the parcel descriptions for the overburden wells which have been installed and sampled.

Water Service Connections: The property at 399 Breakfast Hill Road has been sold and the new owners have been contacted regarding executing an agreement to address the installation of a municipal water line to the property, not using the well and occasional sampling of the well. Seth Jaffe asked about recording said agreement and Peter Britz said they haven't been recorded. Robert Sullivan said the agreement should be recorded; Seth Jaffe confirmed and further stated it would be nice to not have to do this every time the property is sold. The agreement will include successor and assigns language.

OU-1 Maintenance Items: The contract with Piscataqua Landscaping & Tree Service will be renewed automatically going forward, with the option to cancel at any time.

Landfill Gas Report: The Landfill Gas Report has been provided to the State. There is one more year before the contract with Tomforde Environmental terminates. They usually require 3-year contracts, so it will have to be renewed.

Surface Water Groundwater Evaluation: The CLG continues to negotiate with EPA. WSP is requesting \$4,500 for General Technical Assistance to respond. Unless there is some objection, this is the contract it will be under. No vote needed, as it is under \$10,000.00.

Semi-Annual Groundwater Sampling Program Revisions: Sampling reduction memo. Asking for more funds (\$3,610) for General Technical Assistance to work with EPA. No vote needed, as it is under \$10,000.00.

Sampling and Analysis Plan (SAP) Update: The WSP contract to conduct the SAP work that Robert Sullivan referred to earlier in the meeting for \$16,952.00 will require a vote as it is over \$10,000.00. **Attorney Seth Jaffe moved to approve amount of contract and authorize the City to sign it on behalf of the Group, contingent upon resolving the contract language; Attorney Curtis Shipley seconded the motion. On a 3-0 vote, all in favor.**

Peter Britz added the EPA wanted us to complete the SAP by the end of June and stated WSP needs at least until September to complete the SAP. If WSP finishes the SAP but not all modifications are agreed to, we can always amend the SAP in the future. The City will work to try and get this resolved.

Updated OU-1 – OU-2 Invoice Split: Peter Britz will report to the Committee with a recommended split regarding annual monitoring and an effective date.

Joe Montello – Technical Assistance: Joe provided a contract for review to continue to provide technical committee support to the CLG. Peter Britz supports execution of this contract as it is much more reasonable than other options.

Attorney Seth Jaffe moved to approve the Technical Assistance contract with Joe Montello. Attorney Curtis Shipley stated that for context Joe Montello has retired, and his employer has reallocated his sites within the company. His replacement does not have the bandwidth or institutional knowledge to step in on the technical committee but concurs with the CLG contracting with Joe. Peter Britz noted that no vote is needed as it is under \$10,000.00.

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

- A. Approved minutes of the of the Coakley Executive Committee 4/11/2024 meeting, approved on 5/15/2024.

X. **OTHER BUSINESS** – no other business needed to be addressed.


XI. **PUBLIC COMMENT** – no members of the public on the call.

XII. **SCHEDULE THE NEXT COAKLEY EXECUTIVE COMMITTEE MEETING:** The next meeting is scheduled for Thursday, August 29, 2024, at 10:00 a.m. in the Law Library at Portsmouth City Hall.

XIII. **NON-PUBLIC SESSION (IF NEEDED)**

Attorney Jaffe moved to adjourn the meeting. Attorney Shipley seconded. **On a 3-0 vote, all in favor - the motion passed at 10:55 a.m.**

Dated: 9/1/2024

Signed by:

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Glenn Normandeau, Chair
Coakley Executive Committee

As approved on: August 29, 2024

Respectfully Submitted,
Barbara Zulkiewicz