

Coakley Landfill Group

February 16, 2017

North Hampton Select Board
233 Atlantic Avenue
North Hampton, NH 03862

RE: Letter addressed to Mayor Jack Blalock, City of Portsmouth dated January 25, 2017

Dear Select Board Members,

Appropriately, the Portsmouth City Council has referred your letter addressed to Mayor Jack Blalock dated January 25, 2017 to the Executive Committee of the Coakley Landfill Group for a response. The City Council also expressed a preference for public involvement in activities of the Group. In the foregoing letter the Select Board has made various requests of the City of Portsmouth with regard to meetings of the Coakley Landfill Group in terms of notice, conduct of meetings and publication of minutes.

As a preliminary matter, it should be noted that the Coakley Landfill Group and its Executive Committee are not public bodies or agencies as defined in RSA 91-A:1-a V or VI. Accordingly, the activities of the Group in connection with the subject matter of the Town's request is within the control of the Group and not dictated by state law.

It is not to be expected that any members of the Select Board were in office in 1991 when the Coakley Landfill Group and its Executive Committee were formed. Therefore, the fact that you do not appear to have historical knowledge of the operation of the Group is to be expected.

The Coakley Landfill Group Executive Committee has met on a monthly basis for over 25 years, typically by teleconference. The Executive Committee has provided the Town with a detailed set of minutes of each of the Group's monthly meetings over that period of time. Each set of minutes has identified the time and date of the next scheduled meeting or teleconference. Every decision made by the Group has been reflected in those minutes. At no time over that entire period has the Town expressed any concern whatsoever regarding any actions taken by the Group. Recently, however, Town Administrator Paul Apple has contacted the Group on several occasions. He requested to be in attendance at Group teleconference on December 2, 2016, which request was granted. He was also provided with authority to review records of the City of Portsmouth on December 2, 2016, when it appears that the Town had not retained its own records regarding formation of the Group. The Executive Committee has found the presence of Town Administrator Apple to be beneficial to the Group as a whole.

1 Junkins Avenue, Portsmouth, NH 03801

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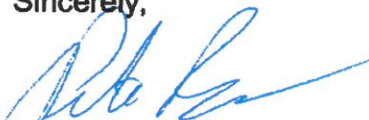
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Nonetheless, in response to your request, henceforth the Group will:

1. Continue to provide the detailed minutes which have been provided on a monthly basis for the last 25 years, including notice of every Coakley Landfill Group meeting or teleconference.
2. Provide the Town with an agenda for each meeting or teleconference. However, it should be noted that such agendas are often completed on the day of the meeting or teleconference.
3. Agree to the attendance of the Town Administrator at any and all future meetings, the date and time of which is listed in the minutes of the previous meeting.
4. Entertain requests from any person who desires to attend an Executive Committee teleconference, such a request should be made directly to the Group by contact with the undersigned.
5. Recognize that once the minutes of any teleconference or meeting have been received by the Town, that such minutes are public records and may be published online if the Town so chooses.

In the future, if the Town would have questions for the Coakley Landfill Group, it may be more efficient to contact the Group directly rather than proceed through the City of Portsmouth.

Sincerely,



Peter Britz
Environmental Planner

cc: Jack Blalock, Mayor
Portsmouth City Council
Nancy Colbert Puff, Deputy City Manager
Robert P. Sullivan, City Attorney
Paul Apple, Town Administrator
Seth Jaffe, Esq.
Curtis Shipley, Esq.

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