

WATER COUNCIL MEETING

Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

December 12, 2007
9:00 a.m.

Members present: Chairman Bridges, Councilors Bradley, Butler, Christie, Cowan, Decker, Densberger, Lussier, Phillips, Rastallis, and Varotsis

Members absent: Councilors, Barrett, Czysz, Dupee, Lyons, and Rawnsley

John Bridges, Chairman, called the meeting to order at 8:59 a.m.

1. Approval of Minutes of November 14, 2007 Meeting

A motion was made by Councilor Varotsis to accept the minutes of November 14, 2007, second by Councilor Bradley. Councilor Lussier made the correction to his motion for it to read 'in another form'. The Council unanimously voted to approve this motion with the correction.

At 9:10 AM Councilor Densberger made a motion to go into Executive Session, second by Councilor Lussier. The Council voted unanimously to approve this motion.

Meeting reconvened at 9:27 AM.

- Docket No. 05-21 WC - Save Our Groundwater Appeal

Councilor Lussier made a motion to clarify the motion made at the last meeting. The motion is to deny the motion for re-hearing for Save Our Groundwater. Councilor Bradley seconded the motion. The Council unanimously voted in favor of this motion.

- Docket No. 07-21 WC – Tuftonboro Conservation Commission

Councilor Bradley made a motion to dismiss this Appeal as the applicant did not articulate sufficient facts to establish standing. Councilor Butler seconded the motion. The Council voted unanimously to approve this motion.

- Docket No. 07-19 WC – Presby Environmental, Inc.

Councilor Lussier made a motion to withdraw the motion that was made last time as we did not have all the motions that were presented by the parties. Will take this up at the next meeting. Councilor Varotsis seconded the motion. The Council voted unanimously to approve this motion.

2. Approval of State Aid Grants

Steve Snell, Program Director in Wastewater Engineering Bureau, asked to withdraw the approval that was distributed. No action.

3. Status of Appeals

- **Docket No. 07-04 WC - Gerald A. Bell Appeal**

October 26, 2007 - The Office of Attorney General requests that the WC temporarily stay the appeal until final disposition of Gerald A. Bell vs. State of NH DES, currently pending in the NH Supreme Court, on the grounds that a final decision in the State's favor would moot this appeal and conserve the Council's limited resources.

Councilor Cowan made a motion to accept the request of the Attorney General's office to stay the appeal until the decision is in from the Supreme Court. Councilor Varotsis seconded the motion. The Council unanimously voted in favor of this motion.

Amy reported there was no action required by the Council on the other items on the Status Report, except as noted below, and there have been no changes.

- **Docket No. 07-11 WC William and Melissa Brouck**

Motion to Stay Proceedings was granted. A copy of a Consent Decree was mailed to the Rockingham County Superior Court, which was approved. The Consent Decree will settle all issues in the case and the Appellants will subsequently submit their withdrawal of the appeal.

4. Rules

Env 1500 – Alteration of Terrain –

Ridge Mauck presented the rules that have been drafted by the rules advisory committee. Councilor Cowan requested a list of the members of the advisory committee. Comments will be taken at the January meeting.

Env – 601 – Capacity Assurance for Public Water Systems.

602 - Capacity Assurance for Proposed Public Water Systems

Holly Green and Cindy Klevens presented existing rules that have been streamlined and improved. No major substantive changes. The stakeholder group will meet and have comments before the January meeting. Comments from the Water Council will be taken at the January meeting.

5. Legislative Update: Harry Stewart

Director Stewart distributed the latest House bill list as prepared by DES which currently has only 10 bills that are being tracked.

He then reported there will be a hearing by FEMA this evening for citizens to bring their input to the table. A hired consultant will then be doing a critique of management of the reservoirs and streams and reviewing damage of the flood events. This is being done to improve our response in the future.

6. **Other Business**

Councilors Christie and Butler met with the Water Quality Standards Advisory Committee that are looking at the Water Quality Standards rules. The Committee voted to ask for a representative from the Water Council to regularly attend. Councilor Christie nominated Councilor Butler to represent the Water Council and it was a unanimous vote.

Director Stewart then noted there would be a Shoreland Protection Act session at 1 PM today for anyone wishing to attend.

7. **Next Meeting**

The next meeting is scheduled for January 9, 2008.

8. **Adjournment**

A motion was made by Councilor Varotsis at 10:34 to adjourn. The motion was seconded by Councilor Butler and unanimously voted.