

## WATER COUNCIL MEETING

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

March 12, 2008  
9:00 a.m.

**Members present:** Chairman Bridges, Councilors Bradley, Butler, Christie, Czysz , Decker, Densberger, Lyons, Rawnsley, and Varotsis

**Members absent:** Councilors Barrett, Cowan, Dupee, Lussier, Phillips, and Rastallis.

John Bridges, Chairman, called the meeting to order at 9:05 a.m.

### 1. Approval of Minutes of January 9, 2008 Meeting

***A motion was made by Councilor Bradley to accept the minutes of January 9, 2008, second by Councilor Butler. The Council unanimously voted to approve this motion.***

### 2. Approval of State Aid Grants

Steve Snell of the Wastewater Engineering Bureau requested approval of six new state aid grants as set forth in a memo from Bureau Administrator Paul Heitzler, P.E. to Harry T. Stewart, P.E., Director, Water Division dated March 3, 2008.

***Councilor Varotsis moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Bradley seconded the motion and it was unanimously voted.***

WHEREAS, the following municipalities have applied to the Department of Environmental services, under the provisions of RSA 486, for grants in the amounts listed to aid in the defraying of the costs resulting from the construction of sewage disposal facilities, as defined in said Chapter:

<u>Municipality</u>	<u>Proj. No.</u>	<u>Project Description</u>	<u>Amount</u>
City of Keene	C-758	2006 Infrastructure Project	\$ 264,286
Town of Newport	C-759	Cheney Street Infrastructure Improvement Project	119,997
Rockingham County	C-760	North Road Pumping Station Upgrade	48,168
City of Claremont	C-761	Wastewater Collection System Evaluation	144,272
City of Claremont	C-762	Design of Sewer Replacements	45,569
City of Claremont	C-763	Wastewater Treatment Facility Upgrade	1,212,139

WHEREAS, The Department of Environmental Services has examined said applications as to the eligibility of the construction costs for a State contribution; and

WHEREAS, The Water Council finds that the said projects are intended to control or reduce pollution in the surface waters of the State, as defined in RSA 485-A.

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said applicants, and respectfully recommends that the Governor and Executive Council approve said grants and authorize payment thereof through the Department of Environmental Services, as provided for in said Chapter.

### **3. Status of Appeals**

- **Docket No. 07-19 WC – Presby Environmental Appeal**

January 8, Council tabled this appeal.

January 8, 2008 a Notice of Appeal was filed regarding an amended decision which was filed on December 9, 2007.

February 8, 2008 Advanced Drainage System (ADS) filed a motion dismiss.

February 11, 2008 Presby Environmental filed an objection to that motion to dismiss.

***Councilor Butler made a motion to combine the original Notice of Appeal of August 7, 2007 with the January 8, 2008 Notice of Appeal and to Dismiss this appeal. Councilor Densberger seconded the motion. The Council unanimously voted in favor of this motion.***

- **Docket No. 08-14 WC – MerNia Appeal**

February 21, 2008 Notice of Appeal was received

***Councilor Rawnsely made a motion to accept this appeal. Councilor Decker seconded the motion. The Council unanimously voted in favor of this motion.***

Councilor Varotsis will preside as Hearing Officer.

- **Docket No. 08-15 WC – Ronald E. Gocht Appeal**

February 25, 2008 Notice of Appeal was received.

***Councilor Butler made a motion to accept this appeal. Councilor Rawnsley seconded the motion. The Council unanimously voted in favor this motion.***

Councilor Christie will preside as Hearing Officer.

- **Docket No. 07-29 WC – Andrew and Karen Goldstein**

Pre-Hearing Conference is scheduled for March 17, 2008 at 9 A.M.

- **Docket No. 08-06 WC – Jerome and Marlene Shultz Appeal**

***Councilor Rawnsley made a motion to accept this appeal. Councilor Bradley seconded the motion. The Council unanimously voted to accept this appeal.***

Councilor Rawnsley will preside as Hearing Officer.

- **Docket No. 03-14 WC – Gerald A. Bell Appeal**  
Stayed pending court action
- **Docket No. 04-05 WC - Freudenburg-NOK General Partnership Appeal**  
Negotiations continue, progress is being made.
- **Docket No. 04-18 WC - Thaddeus Dymon Appeal**  
Council granted stay to allow resolution of property issues in Superior Court.
- **Docket No. 04-19 WC - Town of Newport Appeal**  
Council granted stay to allow resolution of property issues in Superior Court.
- **Docket No. 06-13 WC - Shane Forest Appeal**  
Settlement negotiations are on-going.
- **Docket No. 07-05 WC - RRJ Properties LP Appeal**  
Appeal Hearing is continued until the appeal is withdrawn or a party requests the hearing to be rescheduled.
- **Docket No. 07-04 WC - Gerald A. Bell Appeal**  
Council accepted the State's Motion to Continue on December 12, 2007.
- **Docket No. 07-11 WC William and Melissa Brouck**  
Motion to Stay Proceedings was granted. A withdrawal has not yet been received.

#### 4. **Rules**

Env – Wq 2102 – Water Use Registration and Reporting – Derek Bennett and Holly Green. All language and rules are new and they implement a statute that was adopted in 2005. These will be approved at the April meeting. There are about 650 users currently reporting water use to the Department. They are actively pursuing an on-line reporting form. The goal is to capture accurate and good data at the 20,000+ gallon threshold. Brandon Kernen also answered questions for the Department.

#### 5. **Legislative Update: Harry Stewart**

Director Stewart reviewed the summary of the latest DES water related bills for 2008. The majority have passed the House with amendments. The Senate is also working to get through their bills. He then reviewed the bills. Special mention was made of:

SB 352 – relative to shoreland protection, this has a direct impact on the Water Council as it proposes to take the appeal process for Shoreland Protection Act issues and place it with the Wetlands Council. Most shoreland issues have a wetlands issue alongside. It puts both of those in the same council. DES did not initiate this bill but did ultimately support it.

6. **Other Business**

None.

7. **Next Meeting**

The next meeting is scheduled for April 9, 2008.

8. **Adjournment**

***A motion was made by Councilor Bradley at 10:12 A.M. to adjourn. The motion was seconded by Councilor Butler and unanimously voted.***