

## WATER COUNCIL MEETING

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

October 12, 2016  
9:00 a.m.

**Members present:** Councilors: Beaurivage, Butler, Clark, Henderson, Gegas, O'Brien and Tremblay

**Members absent:** Chairman Gilbert, Councilors: Boisvert, Hardy, Hinds, Joubert, and Rawnsley

Also present was Carolyn Guerdet, Council Clerk

Vice Chairman Beaurivage called the meeting to order at 9:08 a.m. with introductions of Council members.

### **2. Status of Appeals**

Peter Demas, presented an update on the following appeals:

I. New Appeals
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II. Decision and Orders that need to be written finalized and issued.
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**Dockets No. 12-01 WC – David Sundman, et al.**

Re: 12/19/11 Alteration of Terrain Permit No. AoT-0353 for Dalton Valley Drag

Hearing Officer: David Conley assigned on 2/9/12

Status: Received appeal that appears to be timely on January 18, 2012. Issued receipt of appeal letter on January 20, 2012. Council accepted the appeal Feb. 8, 2012, notice was issued Feb.9, 2012. (See Sept. 2015 minutes for full list of filings.) September 9, 2015 received Motion to Compel. 9/16/15 received Objection to Motion to Compel. 9/16/15 received Appellants' and State's Witness and Exhibit Lists. 9/17/15 issued order on Motion to Compel. 9/17/15 received Appellant's Assented-To Motion to Compel Responses to Discovery Requests. 9/21/15 received Intervenor's Witness and Exhibit List. 9/24/15 received Request that Assented-To Motion to Compel Responses be taken up at PHC. October 14, 2015 issued Pre-Hearing Order with hearing scheduled for Feb. 10, 2016 at 9 a.m. 10/22/15 received Site Visit Report and Second Amended Notice of Appeal. December 23, 2015 received Appellants' Amended Witness and Exhibit Lists. January 4, 2016 received State's Amended Witness and Exhibit List. February 10<sup>th</sup> and 11<sup>th</sup>, 2016 the Hearing and Deliberations were held. Decision to be issued within 90 days (5/11/16). June 8, 2016 issued Decision and Order remanding Notice of Appeal. July 8, 2016 received State's Motion for Reconsideration. 7/13/16 Council voted to table Motion for Reconsideration until their September meeting. 7/14/16 received Objection to Motion for Reconsideration. September 14, 2016 Council denied Motion for Reconsideration. Hearing Officer to issue decision.

**Docket No. 16-10 WC (PNA) – Town of Lincoln Appeal**

Re: 5/20/16 Administrative Order No. 16-012 WD

Hearing Officer: David Conley assigned on 7/18/16

Status: June 17, 2016 received Notice of Appeal. 6/20/16 issued receipt of Appeal letter.

Council accepted the appeal at their July 13, 2016 meeting. 7/13/16 issued Appeal accepted letter. 7/29/16 received Appearance from Attorney General.

III. Hearings or PHCs Pending
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IV. Inactive/Status Letter or Pending Settlement/Withdrawal
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**3. New Business*****Drought Conditions in NH - Brendan Kernan***

This is a different type of natural disaster – slow moving and not as obvious. 100+ home wells have gone dry and some businesses have gone out of business. Our aquifers and watersheds are not able to store water like other areas of the country. About 18 rivers are exhibiting the low flows. Exeter River and Spicket River have stopped flowing. Ground water levels are very low. Outlook based on normal weather trends is that the drought will persist through the end of the year. Now as we go into winter months we are encouraging careful in home water use. Almost half of the homes in NH are on private wells. Water systems are having revenue and budget issues also. There is a significant risk of fire as local water sources to use to fight fires are gone.

Councilor O'Brien arrives at 9:49 A quorum is now present.

- ***Councilor Butler made a motion to convene the meeting, second by Councilor Clark. Motion passed unanimously.***

**1. Approval of Minutes of the Sept 14, 2016 Meeting**

- ***Councilor Tremblay made a motion to approve the minutes, second by Councilor Clark. Motion passed unanimously.***

**4. Old Business**

None

**5. Next Meeting**

November 9, 2016 at 9 a.m. Councilor Tremblay will be away.

**6. Adjournment**

- ***Councilor Butler made a motion for adjournment, second by Councilor O'Brien. Motion passed unanimously.***

Meeting adjourned at 10:24 a.m.