

**Lake Boon Commission
Meeting Minutes
March 28, 2016**

A meeting of the Lake Boon Commission was held at the Stow Town Building, 380 Great Road, Stow, MA on March 28, 2016 at 7:30 pm.

Members Attending: Conray Wharff, Chair
Lee Heron, Patrol
Theresa O’Riorden, Secretary
Absent: none

The Lake Boon Commission meeting was called to order at 7:39 pm.

Weed Update

Andy said the RFP was sent out. Solitude Lake Management responded, the RFP is for this year and the next 2 years. Solitude Lake Management was ACT and before that was Lycott. They proposed a first year cost of \$37,025, a second year cost (2017) of \$14,600, and a third year cost (2018) of \$14,600.

The large treatment is kept at 20 ppb (parts per billion) for 60 days. Sonar (floridone) and Reward (Diquatt) are the 2 chemicals being used. Andy re-read us the contract (attached to these minutes) and it said they’ll treat 20-40 acres.

Warrant articles are a continuing appropriations. Stow is asking for \$15,000 (we still have \$14,000 in our account). May 3 is Stow and Hudson town meetings. Hudson’s funding was not approved by fin. Com. So it’s going to the floor of town meeting.

Dave Mitrou suggests that Andy ask Solitude if they know of any sources of funding.

Lee made a motion to “Approve and submit the solitude contract to Bill Wrigley for his approval and release”. Theresa seconded the motion. All in favor.

Drawdown

The boards went in the dam on April 10th. Today the level was 2.34’

Minutes

Theresa read the minutes for Jan. 21, 2016. Lee motioned to accept the minutes as amended. Conray seconded. All in favor.

Conray read the minutes for Jan 28, 2016 meeting. Lee made a motion to accept the minutes as read. Theresa Seconded the motion. All in favor.

Lake Boon Rules Authority Question

Dave Mitrou, attorney, is researching what authority the LBC has, whether 150’ or 75’ rules. The Act of 1941 is what established the LBC.

LBC established 75’ first. The state approved 75’. Then the state changed it to 150’, which made us out of compliance.

Dave thinks our rules that are more restrictive are valid, it’s just our rules that are less restrictive that are in question.

Jan. 19, 1962 Attourney General says, “Any authority of the Lake Boon Commission under 1941, c. 712, to regulate motor boats on the lake has been superseded.”

LBC doesn't have the authority right now to patrol Lake Boon since our authority is being questioned by a few lake residents.

Theresa made a motion to allow David Mitrou to be a volunteer to allow him to help the Lake Boon Commission with our patrol issues. Lee seconded the motion. All in favor.

If the LBC is not allowed to patrol, all of our boating rules will/may not be enforced this summer.

The process we did in 1985 would have fixed our problem if legislature had stamped the paperwork.

Don Hawkes/Conray says that LBC members are not allowed to enforce the rules we create and not allowed to turn on the blue lights to pull boats over. Only police officer can do that.

We need to tell residents that the LBC is not allowed to patrol Lake Boon this summer. We're not sure if our rules are enforceable by the police. And we're not sure of what the police will enforce. Quiet hour is up in the air this summer.

We need special legislation and court to get this problem resolved.

Andy Pollock says he can't find what a "swimming area" is, pertainin to the boats needing to stay 150' from a swimmer. Conray says the numbers are inconsistent between the state boating law and the Massachusetts Boating Guide.

Conray found money to replace the 2 buoys for either side of basin 1-2.

9:17 Theresa made a motion for the meeting to adjourn. Lee seconded the motion. All in favor.

Attendance for LBC mtg.

3/28/16

David T. Mitrou

36 N. Shore Drive

Davidmitrou@gmail.com

Andy Pollock

16 Lyman Ave. Hudson
andyhpbl@gmail.com

Don Hawkes

9 Dawes Rd.

Donhawkes@Comcast.net

Tracey Arvin

168 North Shore Dr.

taa176@comcast.net

SUSAN CURNAN

LAKE BOSTON RENTAL RESIDENT

CURNAN@BRANDEIS.EDU

Mary Beth Rogers

168 N. Shore Dr.

Stow, MA

WILLIAM BYRON

469 GLEASONDALE RD,

attached to march 28, 2016 minutes

Lake Boon Nuisance Vegetation Management Project Request for Proposal January 28, 2016

The Lake Boon Commission (LBC) is seeking bids from a qualified Lake Management Company (LMC) for a Nuisance Vegetation Management Project at Lake Boon, situated in Hudson and Stow.

I. Main Objective:

A three year Herbicide Treatment Program with the use of appropriate herbicides and methods as necessary to control the non-native plants such as, but not limited to, fanwort (*Cabomba caroliniana*) and variable-leaf milfoil (*Myriophyllum heterophyllum*) throughout the lake. Treatments will be as needed; treatments may vary year to year in scope and frequency but the targeted species must be controlled to a level that is mutually agreed upon by the LBC and the LMC. Yearly funds are subject to appropriation from the towns of Stow and Hudson.

II. Specifications

A. Herbicide Treatment Program:

1. Meeting(s):

- a. Provide at least one qualified person (as defined in Minimum Qualifications) to attend 1 (one) public Informational meeting to be held in Stow or Hudson, to present information with visual aids as appropriate, of current technologies used to control weeds showing advantages/limitations of each, including by way of example and not limitation: grass carp, dredging, harvesting, drawdown, benthic barriers and the recommended herbicide treatments. Respond to questions from public. Attend one additional meeting in Stow or Hudson during the course of each year of the program as required by the LBC.

2. Herbicide Treatment Program and Timing:

The LMC shall perform all the work in accordance with all federal, state and local rules and regulations governing aquatic herbicide applications. Attention is drawn to specific compliance of the LMC with the Orders of Conditions (permits) for this work that have been issued by the Towns of Stow and Hudson. The LMC shall also:

- a. Schedule and initiate Treatment Program activities in a manner to be determined by the LMC, in consultation with the LBC, in such a way as to provide the most effective results based on the target plants and proposed herbicides.
- b. Provide all materials, labor, and equipment, including any barriers necessary to maintain appropriate concentrations of herbicides, for the herbicide applications and perform separate pre and post-treatment inspections, herbicide residue testing, project reporting and any other related sampling and testing as specified in the orders of conditions issued by the Conservation Commissions of Hudson and Stow.
- c. File for and receive an approved "License to Apply Chemicals" permit from MA DEP, Office of Watershed Management.
- d. Provide manpower availability so that all surveys/mapping, inspections, herbicide applications, FasTEST and other samplings and preparation of long-term nuisance vegetation management programs will be performed in a timely and professional manner by qualified personnel as defined in Minimum Qualifications.
- e. Provide manpower availability so that all meetings will be attended as required in a timely and professional manner by qualified personnel as defined in Minimum Qualifications.
- f. Provide signs to warn of the temporary water use restrictions to be imposed, to the LBC for posting at least two weeks before treatment begins.

- g. Publish notification, if required, in Hudson and Stow local newspapers (The Hudson Sun and The Stow Independent, respectively) of the treatment and the water use restrictions as required in the Order of Conditions.
- h. Perform pre- and post-treatment vegetation surveys, water clarity, and temperature and dissolved oxygen concentration testing utilizing state-of-the art technology, i.e., grappling rakes/anchors, underwater cameras, Secchi disks, YSI meters, etc.
- i. Provide all materials, labor, and equipment and install and maintain a suspended impermeable containment barrier, if needed, with the following conditions:
 - i. Constructed of solid impermeable fabric
 - ii. High visibility flotation collar
 - iii. Galvanized chain and cement block ballast or other appropriate anchoring system to keep barrier along bottom
 - iv. Allow a 30' opening to permit through traffic
 - v. To be installed before treatment begins and maintained for the duration of the Treatment Program and to be removed within 7 days of the completion of the Treatment Program.
 - vi. Location of barrier to be determined by pre-treatment survey.
- j. Collect and submit for testing, in accordance with manufacturer's recommendations, a minimum of 15 FasTEST samples pre- post- and during treatment at one to two week intervals as appropriate. Results of testing are to be available to LMC within 48 hours of sample submission.
- k. Submit three copies of a Completion Report to LBC no later than December 31 of years end. The report must contain the following information and documents:
 - i. A narrative text that describes the treatment program including:
 - 1. An overall chronological summary
 - 2. Barrier Installation (if applicable)
 - 3. Treatment Timing
 - 4. Method of Application
 - 5. Posting & Notifications
 - 6. FasTEST Monitoring (including a table of sampling data)
 - 7. Treatment Program Summary
 - 8. Pre-Treatment Vegetation Survey
 - 9. Post-Treatment Vegetation Survey (including a list of non-targeted plants in decreasing order of abundance)
 - 10. Water Quality (including results of all tests)
 - 11. Future Management Recommendations (including status of development of required Watershed Management Plan)
 - ii. Documents
 - 1. Generalized pre-treatment and post-treatment plant distribution maps (color GIS format) showing the dominant plant assemblages
 - 2. FasTest monitoring results chart
 - 3. Location of survey transects & data points

4. Photographic documentation in digital format

3. Evaluation of Treatment Program Results

To ensure a transparent, thorough, effective and measurable program, the LMC should provide the following in their Proposal:

- a. Detailed description of the proposed 3-Year Treatment Plan, including target species, proposed herbicides and anticipated treatment areas for each year.
- b. Details of Survey Methodology, including descriptions of data that will be collected and how that data will be used to evaluate the effectiveness of the management program and attainment of plant control goals.

III. Minimum LMC Qualifications

- 1 Qualified personnel are defined as having a minimum of 5 years as Commonwealth of Massachusetts' licensed aquatic pest applicators experienced in nuisance aquatic vegetation management.
- 2 The company shall be properly insured as defined below in the Required Information section.
- 3 The company shall have a minimum of *five* years' experience in nuisance aquatic vegetation management: licensed use of Sonar and Reward herbicides for fanwort and milfoil control.

Bids from firms that do not meet the standards for qualification of LMC's, as prescribed in Minimum LMC Qualifications, will be considered by the Lake Boon Commission to be non-responsive. The Lake Boon Commission, in its sole discretion, will decide if a bidder meets the standards.

IV. Required Information

Three (3) copies of the bid must be submitted and the following specific information is required in each company's qualifications and bid package:

- 1 Name, address, and telephone number of the company and the principal contract person.
- 2 Name, address, telephone number, and resume of all the company's staff to be associated with this project (Project Team) and each team members' specific project responsibilities.
- 3 Type of organization (i.e. individual, corporation, partnership, joint venture, etc.). Include a list of the principals.
- 4 A representative list of municipal clients in Massachusetts *over* the past three years. Please include the following information:
 - a. Location
 - b. Scope of work
 - c. Name, title, and current telephone numbers

References may be checked for projects completed on time, within budget, in compliance with all applicable rules and contractual obligations.

- 5 Certifications that all of the staff to be associated with this project are properly licensed to undertake and successfully complete their tasks.
- 6 Insurance certificate showing insurance coverage for General Liability, Automobile and Workman's Compensation (Statutory). It is the LMC's responsibility to purchase and maintain adequate insurance to protect the LMC and the Lake Boon Commission for all claims.

The following minimum insurance is required:

A. Workers' Compensation - Employer's Liability	Statutory
Bodily Injury - Each Accident	\$100,000
Bodily Injury - Aggregate	\$500,000
Bodily Injury - Each Employee	\$100,000

B. Comprehensive General Liability Owner's Protective Liability Comprehensive Public Liability	
Bodily Injury	Any one person/Aggregate \$1,000,000
Property Damage	Per Occurrence/Aggregate \$1,000,000
Bodily Injury - Each Employee	\$100,000

The Liability Policy shall be Broad Form and include coverage for Premises and Operations and Product Liability.

A. Comprehensive Automobile Liability	
Bodily Injury	Any one person/Aggregate \$1,000,000
Property Damage	Per Occurrence/Aggregate \$500,000

The Comprehensive Automobile Liability Insurance should be written to include owned, hired and non-owned vehicles and it shall provide Extra Territorial Coverage.

The Lake Boon Commission must be named as an additional insured on the LMC's insurance certificate. No insurance shall be subject to cancellation without at least thirty (30) days prior written notice forwarded by registered or certified mail to the Lake Boon Commission. All parties shall also be notified of the attachment of any restrictive amendments to the policies.

The Town of Stow standard contract includes a "hold harmless and defend indemnification provision". Stow's standard Contract is incorporated by reference and attached to this RFP.

7. State Tax Compliance Certificate
8. Certificate of Non-Collusion
9. Corporate Authorization Certificate
10. Written statement of guarantee for project: remediation of nuisance aquatic weeds as defined in this Request for Proposal (RFP) for a period of not less than 24 months from initiation of herbicide treatment.
11. Bid Sheet

All required information requested in this RFP will be utilized to qualify the responsive and responsible bidder. All qualified (responsive and responsible) bids, which satisfy the minimum bid qualifications and information submission requirements, will be evaluated by the Lake Boon

Commission for completeness and accuracy prior to determining the lowest bidder.

V. Response Process

Sealed responses should be sent to and received by: Lake Boon Commission, c/o Town Administrator, Town Building, 380 Great Road, Stow, MA, 01775 no later than February 19, 2016 at 3:00 P.M., where they will be publicly opened and read aloud.

The Town of Stow is an Equal Opportunity Employer. The Town of Stow reserves the right to - reject any or all bids. Execution of a contract is subject to the availability of state grant funds, local matching funds and final approval of the project by both Conservation Commissions in Hudson and Stow, MA as specified by their Orders of Conditions dated 7/11/01 and 7/10/01 respectively.

The Lake Boon Commission will award the contract to the qualified (responsive and responsible) bidder submitting the lowest total bid price. Interviews may be conducted. The LMC selected for this project shall be notified within approximately 10 days from the submission due date of bids. The Lake Boon Commission shall have no financial obligation to the LMC selected until a contract has been fully executed. The hiring of the contractor is expected to take place within 2 weeks after the deadline of submittal of bids.

Lake Boon Commission (LBC)

Conray Wharff, Chairman, Hudson
Theresa O'Riorden, Stow
Lee Heron, Stow

Volunteer Member: Andy Pollock
Volunteer Member: Kent Seith

Contact Info:

All studies, orders and reports referenced herein are available by contacting: Conray Wharff, LBC
Chairman (978-562-9412)