

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **4/4/2013** – Approved 4/25/2013

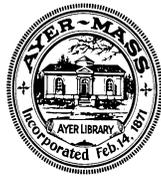
Location: Ayer Town Hall, 1st Floor, Small meeting room

Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT), Jessica Gugino (JG, Clerk), Lee Curtis (LC)(arrived 8:45), Becky DaSilva-Conde (CA, Conservation Administrator)

APAC taped: No

7:13 PM – Open Meeting

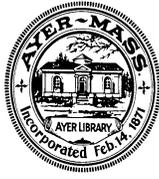
- **Confirmation of the Agenda**
 - To take advantage of LC's later arrival, the agenda was re-ordered to move discussions of the RFQ, from which LC must recuse herself, and Plow Shop Pond to the front of the agenda.
 - GB moved to confirm the agenda as amended; TT 2nd.
 - Motion approved unanimously.
- **Announcements**
 - CA has received the 2013 update from Massachusetts Bay Commuter Rail (MBCR) on their Vegetative Control Program.
- **Meeting Minutes Approval**
 - GB moved to accept the minutes for 3/28//13 as corrected; TT 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - The Lowell Sun: \$747.44 total:
 - \$565.64 – Legal Notice for Pingry Hill NOI Public Hearings (payment received earlier from Mr. Mullaney).
 - \$181.80 – Flannagan Pond weed control RFP (this is only half of the full cost).
 - This is to be paid out of Article 38 funds (passed at Spring Town Meeting 2011).
 - GB moved to approve payment of \$747.44; TT 2nd.
 - Motion approved unanimously.
- **Discussion: RFQ for Comprehensive Survey of Ayer Ponds**
 - JG presented a draft RFQ, dated 4/4/13, for discussion and editing.
 - Lengthy and detailed discussion followed, with constructive chortling displayed by some members.
 - For comparison sake, BD plans to contact Nashoba Analytical LLC, of Chelmsford, to ask what kinds of water quality testing they might recommend for a pond survey.
 - JG will prepare a new draft based on ConCom's edits.
- **Discussion: Army's final draft proposal for Plow Show Pond remediation**
 - TT has partially reviewed the hard copy received by ConCom.
 - CA contacted Sovereign Consulting and they are sending more copies for ConCom review.
 - CA will drop them off next week for discussion at 4/11 meeting.
 - An issue of concern is the new plan by the U.S. Army Corps of Engineers to lower the level of the pond 5-6 feet for excavation and removal of contaminated sediment.
 - This kind of drawdown on an already shallow pond is likely to have a catastrophic impact on fish and plant life in the pond.



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- TT said it appears that the old plan, to set sheet pilings into the substrate, was not considered feasible.
 - The substrate is not solid enough to provide enough stabilization to conduct the excavation.
- The comment period on the Army's proposal ends in early May.
- CA asked if the Army will need to come before ConCom with an NOI or if the government trumps ConCom's jurisdiction.
 - TT said the EPA has jurisdiction over the base but ConCom's issues with the proposal have to do with impacts of the work beyond the base, in areas which fall under ConCom's jurisdiction.
 - BD said that, at a minimum, they will need to come before ConCom.
 - If it has taken the Army 20 years to come up with a plan, and only recently has the drawdown been considered, then it was felt that the Army can take a little more time to figure out another way to accomplish its goals without killing off the entire pond.
- **Public Meeting: RFP for 2013 Flannagan Pond Weed Treatment**
 - BD read Lycott Environmental's response to follow-up questions raised at ConCom's 3/21 meeting.
 - The email response from Joy Traha-Liptak, of Lycott, was dated 3/25.
 - Lycott's timetable would be to apply the first treatment in early June, with boosters to follow at roughly 30-day intervals in July and August.
 - ConCom members generally agreed that the sample given by Lycott of data collection was satisfactory even if it didn't directly address the 10-ft. spacing of GPS data points.
 - CA was disappointed that Lycott's answer was not more specific, but nevertheless thought they would do a decent job of weed treatment.
 - BD read Aquatic Control Technology's (ACT) response to follow-up questions from 3/21.
 - Dominic Meringolo's email response was dated 3/22.
 - While ACT did use sandbags to block the outflow from Sandy Pond into Flannagan Pond in an earlier treatment, they did not do so in 2008.
 - Blocking the outflow was not necessary to a successful treatment of Flannagan Pond and ACT therefore withdrew that detail from their proposal.
 - ACT confirmed it would be using GPS data mapping in the manner of its 2011 treatment of Pine Meadow Pond.
 - After considering the responses, BD asked for an informal polling of ConCom members evaluations of the two proposals.
 - Comparison to the ratings given on 3/21 follows in parentheses.
 - Lycott
 - GB Highly Advantageous (3/21 Highly Advantageous)
 - TT Highly Advantageous (3/21 Advantageous)
 - JG Advantageous (3/21 Advantageous)
 - LC Advantageous
 - BD Advantageous (3/21 Not Advantageous)
 - CA Advantageous (3/21 Advantageous)
 - ACT
 - GB Highly Advantageous (3/21 Highly Advantageous)
 - TT Highly Advantageous (3/21 Advantageous or Highly Advantageous)

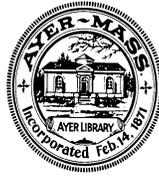


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- JG Highly Advantageous (3/21 Highly Advantageous)
- LC Highly Advantageous
- BD Advantageous (3/21 Advantageous)
- CA Advantageous (3/21 Advantageous)
- The cost of both proposals was very close, with ACT's bid slightly more than Lycott's.
- Discussion points included:
 - The Town would get good results from both companies.
 - ACT's technical proposal was stronger and more detailed than Lycott's.
 - Criticism was voiced over ACT's statement that an optional second booster treatment would be decided on by "mutual agreement" between the Town and ACT.
 - This struck several members as inappropriate since the Town would be paying for each company's professional expertise.
 - ACT had a more aggressive timetable, aiming to start in late April or May.
- In the final vote to select the winning proposal, ConCom members voted:
 - GB Lycott
 - TT ACT
 - LC ACT
 - JG ACT
 - BD Lycott
- A simple majority being required, ACT won the bid 3-2.
- JG moved to recommend ACT's proposal to the BOS for approval; TT 2nd.
 - On discussion, BD reiterated his discomfort with contracting for pond weed treatments if there is no certain quantifiable means of evaluating whether the 90% eradication goal specified by the RFP was attained.
 - TT said that despite this, ConCom was required by the Town to spend the Article 38 funds (Spring Town Meeting 2011) for weed treatment on Flannagan Pond.
 - JG said precise quantification may be an impossible task, but there was an easily observable and substantive difference in the condition of the pond if treated versus if not treated.
 - LC recommended awarding the contract to ACT with the stipulation that ACT would accept full responsibility for making the decision as to whether an optional second booster treatment was needed to meet the target goal of 90% weed eradication as specified by the RFP.
 - Motion approved 4-0 (BD abstained).
- The contract has been placed on the BOS agenda for 4/16 for its approval vote.
 - JG will let Town Administrator Pontbriand know of the results of ConCom's final vote tonight.
- **CA Updates**
 - 186 Littleton Road, Brent Routhier
 - The soil pile has been moved as requested and a haybale line erected between Bennett's Brook and the disturbed area.
 - CA noted, however, that a large waste container has been placed on the far left side of the lot, near to the brook.
 - CA had told Mr. Routhier on a previous occasion that he would have to consult with ConCom over the placement of such a container before putting one in.
 - BD asked CA to send Mr. Routhier a letter asking him to either relocate the container or come before ConCom with an NOI.



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- Agenda for 4/11 meeting will include:
 - Continuation of NOI Public Hearing for 1 Barnum Road.
 - Reminder: ConCom site walk scheduled for 8:30 a.m. on 4/6.
 - Finalization of the RFQ for a Comprehensive Pond Survey.
 - Steve Smith addressing ConCom on:
 - Update on monitoring of Autumn Ridge Conservation Restriction.
 - Possibility of volunteer consultant doing trailmaps for Pine Meadow Conservation Land and Autumn Ridge.
 - May require some minimal funding for printing costs.
 - His willingness to lead a rebirth of the Greenway Committee.
- **Member Updates**
 - LC is working with Essex Agricultural High School.
 - Some of their juniors and seniors are available to do volunteer environmental science internships.
 - They have been trained in wetland delineation and vernal pool identification, which might be of use to the Town.
 - TT's eyes lit up.
 - JG updated ConCom on CPC's 4/3 discussion with Ed Cornelier about Kohler Place as a possible Open Space purchase.
- **Documents referenced in this meeting**
 - Draft RFQ Comprehensive Pond Survey dated 4/4/13
 - Army's final draft proposal for Plow Show Pond remediation
 - RFP response proposal for Flannagan Pond 2013 weed treatment, Lycott Environmental
 - Lycott price proposal
 - Lycott response to follow-up questions
 - RFP response proposal for Flannagan Pond 2013 weed treatment, Aquatic Control Technology (ACT)
 - ACT price proposal
 - ACT response to follow-up questions
- **10:35 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.