



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, including back up information, 8 days prior to the requested meeting date. Public Hearing requests must be submitted 20 days prior to the requested meeting date to meet publication deadlines (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: July 9, 2014 Date of Meeting: July 17, 2014
Submitted by: Donna Pohli, Assistant Planner Time Required: 20 minutes or less
Department: Community Development Background Info. Supplied: Yes X No
Speakers: Tim Thompson, AICP, Community Development Director

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment: [] Recognition/Resignation/Retirement: []
Public Hearing: [] Old Business: []
New Business: X Consent Agenda: []
Nonpublic: [] Other: []

TITLE OF ITEM

Request of Trust Expenditure for Milfoil Control at Naticook Lake

DESCRIPTION OF ITEM

To ask the Town Council to accept and authorize the expenditure of up to \$5,400 for milfoil control via Diver Assisted Suction Harvesting at Naticook Lake and to ask that it be expended from the Milfoil Expendable Trust Fund.

REFERENCE (IF KNOWN)

RSA: Warrant Article: 2006 Article 14
Charter Article: Town Meeting:
Other: N/A:

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector: [] Grant Requirements: []
Easel: [] Joint Meeting: []
Special Seating: [] Other: []
Laptop: [] None: X

CONTACT INFORMATION

Name: Donna Pohli Address: 6 Baboosic Lake Road
Phone Number: 424-3531 Email Address: dpohli@merrimacknh.gov

APPROVAL

Town Manager: Yes [X] No [] Chair/Vice Chair: Yes [] No []



Town of Merrimack, New Hampshire

Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing

603 424-3531
Fax 603 424-1408
www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: July 3, 2014
To: Town Council
Thru: Town Manager Eileen Cabanel
From: Donna Pohli, Assistant Planner, Community Development
Subject: 2014 Milfoil Trust Expenditure Request for D.A.S.H on Naticook Lake

The Council may recall granting the milfoil control requests for the matching grant expenditure to cover Diver Assisted Suction Harvesting (D.A.S.H) and Herbicide treatment and the Town portion for herbicide treatment for Naticook Lake at their meeting on March 27, 2014 (leaving out the Town portion of D.A.S.H). This fiscal year, the Community Development Department is requesting the expenditure of \$5,400 for D.A.S.H to take place at Naticook Lake from the Milfoil Expendable Trust Fund. Should the Council vote to accept and authorize the expenditure of funds, A.B. Aquatics, Inc., whose bid proposal was selected by NHDES, will hand-remove milfoil in Naticook Lake to reduce the amount of the invasive species. Should the Council deny this request, then an alternative source of funding through the Community Development Department budget would be needed, impacting the ability of the Department to carry out some budgeted items during the fiscal year. Please see the attached memo prepared for the March 27, 2014, Town Council meeting and related minutes from said meeting for further information.

Suggested Motions:

- 1. The Town Council accepts and authorizes the expenditure of up to \$5,400 for Diver Assisted Suction Harvesting to take place this summer at Naticook Lake from the Milfoil Expendable Trust Fund and furthermore, authorizes the Town Manager, or her proxy, to execute any documents which may be necessary for these contracts with AB Aquatics, Inc.**

Ec: Eileen Cabanel, Town Manager
Paul Micali, Finance Director
Timothy J. Thompson, AICP, Community Development Director
Matt Casparius, Parks and Recreation Director
Lake Naticook Conservation Association

Cc: Correspondence
File



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

MEMORANDUM

Date: March 6, 2014
To: Finlay Rothhaus, Chairman, & Members, Town Council
From: Donna Pohli, Assistant Planner, Community Development
Subject: 2014 Milfoil Grant Funds for Naticook Lake

Attached for your information are documents pertinent to the 2014 milfoil grant funds recently awarded to the Town of Merrimack. Should the Council vote to accept and authorize the expenditure of funds, the attached paperwork will be completed, notarized and forwarded to the NH Department of Environmental Services (NHDES) for processing.

Naticook Lake was treated for milfoil in 2013 (first treatment) and has responded well to the treatment, but since it has not been monitored for a long period of time, and results in the second year are indeterminable, treatment is necessary for multiple years. Amy Smagula, Limnologist/Exotic Species Program Coordinator with the NHDES explains that, in order to maintain the quality and keep milfoil to a minimum, milfoil treatment will need to occur during 2014/2015.

The attached map is one used for the bids request provided by Ms. Smagula. Ms. Smagula hopes that Naticook Lake can be treated this year.

At this time, Ms. Smagula concludes that she does not expect that the Town will need to spend what is proposed for Naticook Lake, but in case the Town does, it is best to be prepared for doing so since natural, dynamic, and variable systems are difficult to predict. Therefore she suggests maintaining the non-lapsing milfoil fund with any funds that may remain after 2014 to be drawn upon by either Naticook Lake or Horseshoe Pond if needed. Once NHDES has growth under control, the cost should decrease significantly. Ms. Smagula indicates that, if Merrimack does not collectively budget enough this year to deal with circumstances as they may arise, then it would cost even more in the following year for the Town.

With respect to the 2014/2015 grant funding, the NHDES selected two companies from which bid proposals for herbicide treatment needed to be obtained by the Town of Merrimack. Also included in the grant application process for 2014 was a list of divers from which bids were sought. According to the NHDES map sent out with bid requests, the divers would dive and/or perform diver-assisted suction harvesting (DASH) over twelve days from May through October, however, Diver/DASH areas are not yet determined for 2014, and the map provided shows areas of recent growth over Summer 2013. The work performed by divers is part of the long-term management plan and will help the Town transition from herbicide treatment to non-chemical control as milfoil is reduced in Naticook Lake. The NHDES reviewed bids for both technical merit of the approach and cost of the project. The NHDES selected Aquatic Control Technology, LLC., Sutton, MA as the contractor to perform the herbicide treatment work for the Naticook Lake project. AB Aquatics, Inc. was chosen to perform the diving services. As

recommended by Ms. Smagula, bids were obtained based upon a more conservative treatment area of up to 30 acres according to the map sent out with the bid requests.

The NHDES received requests for funds from many groups and, according to Ms. Smagula, grants were awarded on a 40% matching level for 2014/2015 in order to assist as many groups as possible. Due to the number of requests received, the grant amount for Merrimack was awarded for up to \$10,266 for the following:

1. Herbicide Treatment up to \$6,666 for variable milfoil in up to 30 acres of Naticook Lake to be performed by Aquatic Control Technology, LLC.;
2. Diver/DASH (Diver Assisted Suction Harvesting) work up to \$3,600 (based on an as needed basis), to be performed by AB Aquatics.

In order to maximize effectiveness, the herbicide treatment would need to be completed during the current fiscal year, which is why the expenditure is now being requested. If the Council, votes to expend the available funding from the milfoil expendable fund for Horseshoe Pond, then the Council would need to vote to expend \$20,271 of the grant including \$10,005 for the Town's share expended from the Community Development Department budget to complete the herbicide treatment before fiscal year 2015 begins. Then after July, the remaining \$5,400 of the Town's share would need to be expended from the milfoil expenditure fund to complete DASH in the fall.

As the Council is probably aware, Naticook Lake is also host to numerous events including a YMCA triathlon that is scheduled for June 8, 2014. The triathlon's swim route and typical motorboat routes from the boat ramp to fishing areas pass through the few remaining milfoil plants. Naticook Day camp during the summer, Wasserman Park, YMCA Camp Sargent, Veteran's Memorial Park and several homes surround Naticook Lake.

Please find enclosed, the following materials:

- NHDES Letter dated January 24, 2014 from Amy Smagula, Limnologist/Exotic Species Program Coordinator notifying the Town of Merrimack of the Naticook Lake project selection;
- A Grant Agreement which requires signature by the Town Manager as well as acknowledgement by a Notary Public;
- A Certificate that verifies that the person who signs the contract (Town Manager) is authorized by the Town Council to do so. The Certificate requires signature by the Certifying Officer as well as acknowledgement by a Notary Public. We have named Ms. Diane Trippett, Town Clerk and Tax Collector to carry out the function of Certifying Officer. Certification of the Council's action(s) by Ms. Trippett will be based upon her review of the draft Town Council meeting minutes for March 13, 2014;
- An incomplete and unsigned Special Permit Application to be used as an example of what will be drafted for this year;
- AB Aquatics, Inc. bid proposal dated November 15, 2013;
- Map of proposed milfoil treatment area of 30 acres on Naticook Lake compliments of the NHDES;
- Map of Diver/DASH services of recent growth in 2013 from NHDES.

Suggested Motions:

- 1. That the Town Council vote in the affirmative, to accept and authorize the expenditure of up to \$20,271 of the grant from NHDES for milfoil control via herbicide treatment and DASH including \$10,005 of the Town share for Herbicide Treatment from the Community Development Department budget. Once the vote in April, we will be back before the Town Council to ask for the remaining \$5,400 for Diver Assisted Suction Harvesting to occur in the fall;**

- 2. That the Town Council vote in the affirmative, to authorize the Town Manager to execute any documents which may be necessary for these contracts with Aquatic Control Technology, LLC. and AB Aquatics, Inc.**

Ec: Eileen Cabanel, Town Manager
Paul Micali, Finance Director
Timothy J. Thompson, AICP, Community Development Director
Matt Casparius, Parks and Recreation Director
Murray Collette and Laura Jaynes, Lake Naticook Conservation Association

Cc: Correspondence
File

To ask the Town Council to accept and authorize the expenditure of up to \$20,784 of the grant from the NHDES for milfoil control via Herbicide treatment and Diver Assisted Suction Harvesting. This is a matching grant of which the Town's share would be \$12,471 for variable milfoil control efforts in portions of Horseshoe Pond, pursuant to Charter Article 8-15 and RSA 31:95-b.

2. Public Hearing – 2014 Milfoil Grant Funds Naticook Lake

Submitted by Assistant Planner Donna Pohli

To ask the Town Council to accept and authorize the expenditure of up to \$20,271 of the grant from NHDES for milfoil control via Herbicide treatment and Diver Assisted Suction Harvesting. This is a matching grant of which the Town's share would be \$10,005 for variable milfoil control efforts in portions of Naticook Lake and to ask that the Town's share be expended from the Community Development budget, pursuant to Charter Article 8-15 and RSA 31:95-b.

Chairman Rothhaus declared the Public Hearing open at 7:41 p.m.

Ms. Donna Pohli, Assistant Planner, informed the Council and viewing audience the Town has received a grant from the New Hampshire Department of Environmental Services (NHDES). It is a 60/40 matching grant meaning the Town would be responsible for 60%.

The request is for grant funds to be expended in the current fiscal year. Due to the nature of the milfoil, it is believed to be cost effective to begin the process closer to the spring.

When asked about cost, Ms. Pohli stated the requested expenditure for Horseshoe Pond to be an amount up to \$20,784 (total State and Town contribution for this year). The Town's share would be up to \$12,471 (\$8,391 for Herbicide Treatment and \$4,080 for Diver Assisted Suction Harvesting). Director Thompson remarked that cost can be funded through the donations received from the residents and what remains in the milfoil trust fund.

The Town's portion of the cost for remediation at Naticook Lake is \$10,005. As the remainder of the funds from the expendable trust fund would be utilized for Horseshoe Pond, being proposed for Naticook Lake is for funding for the remainder of this fiscal year to come from the Community Development budget, which is expected to be achieved through cost savings (staffing changes). Moving forward into FY15 the milfoil trust fund would be utilized for future projects, assuming it is approved by the voters.

Councilor Boyd noted the amount requested for Horseshoe Pond was identified as a worst-case scenario, and asked for verification, if the expendable trust fund is not completely depleted for Horseshoe Pond, remaining funds would be utilized at Naticook Lake. Ms. Pohli responded that would ideally be what would happen.

Amy Smagula, Limnologist/Exotic Species Program Coordinator, NHDES, stated the percentage of matching funds varies from year to year. She typically tries to offer a 50% match out to communities and lake associations, if feasible. Across the board this year in New Hampshire the match being made is 40%.

Approved: April 17, 2014

Posted: April 21, 2014

Councilor Harrington commented she has read the paperwork provided and believes there to have been a suggestion the effort could wait another year if need be; however, she does not believe that would be a wise decision. She stated her support for the effort. She acknowledged the efforts made by the residents in the areas of Horseshoe Pond and Naticook Lake, which should be supported by the Town.

Chairman Rothhaus opened the floor for public comment.

George Baird, 82 Island Drive

Stated he has been coming to Merrimack since 1953 and has been swimming in Horseshoe Pond during that length of time. He spoke of the fragile state of the pond. He spoke of the closing of the Naticook boat landing in the prior year. There are three motorized boats owned by residents of Island Drive. In August he witnessed 10 boats, which meant the overflow came to Horseshoe Pond, which should not happen again.

Chairman Rothhaus noted the boat landing was closed because one of the Milfoil concentrations was at the boat ramp. If users had utilized the launch it would have created a larger problem. Mr. Baird stated it should not occur this year. Chairman Rothhaus remarked it is his hope it will not. Chairman Rothhaus noted volunteers are spending time at the boat ramps encouraging users to look for any vegetation that might be hung up on their trailers, etc.

Bob Shagoury, 71 Island Drive

Remarked he attended a meeting last year when Mr. Leroux made the suggestion of adding an additional fee to licenses as a means of growing the fund, and questioned whether that suggestion has been considered. He questioned whether there is a means of utilizing prison labor to hand pull the Milfoil. Councilor Mahon noted the county discontinued programs such as roadside cleanup, etc. two years ago. Mr. Shagoury stated he received two newspapers from Connecticut where they put in grass carp that ate the Milfoil. He has been informed they would not work for us; however, he is unsure why that is the case.

Chairman Rothhaus responded consideration of adding a fee to licenses is an issue that would have to be addressed at the State. Mr. Shagoury questioned whether the Council could make such a recommendation to the State or if he should as an individual. Chairman Rothhaus suggested the request of an individual might be heard more quickly.

Ms. Smagula remarked the Grass Carp are large fish that do eat vegetation in lakes and ponds. They are illegal in New Hampshire. They are very selective in what they eat. Milfoil is not one of the first things they will go after. They would eventually eat all of the vegetation in the lake. They can each 40-50 pounds and thrash their bodies around so much that they stir up the bottom while they are feeding resulting in an unappealing appearance. They also flop themselves on the bank and chew the grass and vegetation on the shallow bank areas or near water bank areas. They are not lake friendly. They are also not sterile.

With regard to the suggestion of a fee increase, that is something that has to be addressed at the State level. All of the exotic species program funding comes from boat registration fees (\$7.50 per boat),

Approved: April 17, 2014

Posted: April 21, 2014

which is broken up in a number of ways to support different program elements. Some of it does go to control. House Bill 292 just passed Ways & Means and will go to a vote on the full House floor. It is seeking a \$2 fee increase to boat registrations to bring in more revenues for control money exclusively. If it does pass the full House floor it will cross over to the Senate. She suggested individuals reach out to their Senators to encourage support of HB292.

Laura Haynes, 6 High Noon Ave.

Noted the attendance of quite a few representatives from the Lake Naticook Association, and commented the Association has been proactive and invites representatives of Horseshoe Pond to work alongside them in addressing a problem that exists statewide.

She remarked she has signed up to be a point person through the New Hampshire Lakes Association to be trained in looking for Milfoil on boats and perhaps set up a volunteer station at the ramp. She stated support of acceptance of grant funding to assist in the process of Milfoil remediation.

Chairman Rothhaus noted the Council's recognition of the efforts of the volunteer group. He commented 10 months or so ago the Council discussed a willingness to accept donations towards addressing the issue. The result was donations adding up to approximately \$1,000. Ms. Haynes remarked motorboats are a problem on small lakes in this area. Naticook Lake has always been the headwaters for all of the water systems; Naticook Brook flowing right into Horseshoe Pond. It is an aquifer for the town wells. It was disappointing to see the Milfoil coming up.

Bob Shagoury, 71 Island Drive

Stated a desire to make a correction; water flows from in back of King Cone, whether Naticook or Baboosic Lake, and depending on the height of it, comes into Horseshoe Pond. Since it is circling, they don't dump anything into Naticook or Baboosic.

Jean Towns, 11 Sunset Drive

Remarked last summer tremendous progress was made towards eliminating the Milfoil in the lake thanks largely to the efforts of Ms. Smagula and her team. If the work does not continue the Milfoil will grow back and quickly eradicate all of the hard work and money spent last year to control and eliminate the Milfoil. A good many Merrimack residents enjoy fishing, swimming, and paddling in the lake. There are two summer camps on the lake, etc. All of these activities would be severely impacted within a few years if the Town did not continue to fund the cleanup of the Milfoil. She was one of several last year who actively patrolled the lake looking for Milfoil and placing markers so that the team of divers who came to pull Milfoil knew exactly where to go so that their efforts could be as efficient as possible.

She stated a willingness to commit to help monitor the lake and continue to identify Milfoil growth this year. She stated her hope by staying on top of the situation there will be a strong chance of reducing the amount of Milfoil and perhaps even eliminating it.

John McDonald, 19 Pondview Drive

Remarked in the past year a great deal of progress has been made. A lot of changes have been made in Horseshoe Pond and at Naticook Lake. Volunteers met with Ms. Smagula in July and received a package from the State that assisted them in identifying what needs to be looked for, e.g., Milfoil as well as other invasive species. Residents on Horseshoe Pond as well as Naticook Lake have done their share. They understand this is not done in a vacuum. What the Council is considering is funding the project utilizing tax dollars that every taxpayer in Merrimack has contributed to, which is recognized by the residents of the areas just as they recognize they contribute to issues that occur outside of their neighborhood. He stated appreciation that the Council sees the big picture, and what is required to address the issue, and spoke of the benefit gained by all users.

He noted approval by the Planning Board for a project consisting of 57 units of housing on Horseshoe Pond. There will be more stress on the pond. Anything that can be done to help eliminate or relieve some of that is greatly appreciated.

Chairman Rothhaus stated his belief those concerns were taken into account as the project went through the planning process. Director Thompson stated the Planning Board did a relatively thorough job in terms of mandating low-phosphate fertilizers and other protection measures both on the elderly housing project and the recreational fields project. Those projects are currently conditionally approved and do not have final approval to begin construction. Plans are in the works. Ultimately the last step will be discussions between the Town and the Manchester YMCA regarding the athletic fields, e.g., ensuring they are consistent with the Charitable Trust Division's execution of the Wright Family Trust and the maintenance and access responsibilities for both parties relative to those fields.

Roger Gettel, 1 Veterans Park Drive

Spoke in favor of the funding request. He commented Naticook Lake is critical recreational infrastructure for the Town. Used by Veterans Park, Wasserman Park, the YMCA camp, etc., the lake serves a broad swath of residents and non-residents. A great deal of progress was made last year in controlling Milfoil. We may never be rid of it, but if efforts do not continue, it will take over the lake. He stated his intent to continue monitoring efforts.

Mary Booth Ingram Road

Encouraged the Council to support the funding request. She stated concern with a map provided by Ms. Smagula relative to Milfoil infestation on the lake. She remarked any reasonable person viewing it would see the infestation is worse around the boat ramp. She stated her belief it is a reasonable conclusion boats coming into the lake are bringing Milfoil. There is the need to look at preventing re-infestation of the lake. She stated she has lived on the lake for many years and believes both of the lakes are sick. If not addressed, the lakes could be lost, which would impact a good many people.

She stated concern with motorized boats on the lake. Ms. Smagula has stated when a motor goes through a bed of Milfoil it acts like a blender in that it cuts off little pieces of Milfoil, which then spread and re-infects the lake.

Ms. Smagula

Stated it is definitely a credit to the two town water bodies and the Town itself that it has such a committed group of volunteers. She remarked she works with 79 water bodies across the State and there are many groups that are very strong and focused on protecting their water bodies, but the folks on Horseshoe Pond and Naticook Lake are tremendously committed. She commented she typically asks volunteers to e-mail her once a month from May through September; to do survey work and make her aware of their results. She was getting e-mails weekly or daily from the volunteers. She commented success for Milfoil management cannot be there without a strong group of volunteers, which Merrimack definitely has.

Councilor Koenig questioned what would occur with any funds remaining at year end. Ms. Smagula stated the State matches up to 40% of the total cost of the project. If there is a smaller treatment area than expected, funds remaining could be shifted over to the cost for diving, etc. If by the end of the grant timeframe the funds are not expended they are put back into the State account to be granted out the following year. Councilor Koenig remarked, as a matching grant, the funds have to be expended and an invoice provided the State for the 40% match. Ms. Smagula stated reimbursement is generally received within two weeks from the time the invoice is received.

Chairman Rothhaus declared the Public Hearing closed at 8:15 p.m.

MOTION made by Councilor Boyd and seconded by Councilor Yakuboff to accept and authorize the expenditure of up to Twenty Thousand Seven Hundred Eighty Four Dollars (\$20,784) for Horseshoe Pond; Thirteen Thousand Nine Hundred and Eighty Four Dollars (\$13,984) for the herbicide treatment and Six Thousand Eight Hundred Dollars (\$6,800) for Diver Assisted Suction Harvesting, a/k/a/ DASH, of the grant from the NHDES for Milfoil control. This is a matching grant of which the Town's share would be up to Twelve Thousand Four Hundred and Seventy One Dollars (\$12,471) of which Eight Thousand Three Hundred and Ninety One Dollars (\$8,391) is for herbicide treatment and Four Thousand Eighty Dollars (\$4,080) for DASH for variable Milfoil control efforts in portions of Horseshoe Pond, and

Furthermore, that Nine Thousand Seventy Four Dollars (\$9,074) of the Town's share be expended from the Expendable Trust Fund for Milfoil, Nine Hundred and Forty Five Dollars (\$945) from the generosity of private donations made to the Fund, and the remaining amount of Two Thousand Four Hundred and Fifty Dollars (\$2,450) to be expended from the Community Development Department budget; and

Furthermore, authorize the Town Manager and/or her proxy to execute any documents which may be necessary to perfect the contracts with Lycott Environmental, Inc. and AB Aquatics, Inc., which have been selected as the vendors for both the herbicide treatment and DASH.

ON THE QUESTION

Councilor Boyd spoke of quality of life in Merrimack and ensuring residents have access to clear and clean lakes. He also touched upon impacts to property values around the areas. The Council has

Approved: April 17, 2014

Posted: April 21, 2014

expressed its commitment to treating Milfoil. This is a good step in the effort of Milfoil mitigation.

MOTION CARRIED 6-0-0

MOTION made by Councilor Boyd and seconded by Councilor Yakuboff to accept and authorize the expenditure of up to Twenty Thousand Two Hundred Sixty Five Dollars (\$20,265) of the grant from NHDES for milfoil control via herbicide treatment and DASH including Ten Thousand Five Dollars (\$10,005) of the Town's share for Herbicide Treatment from the Community Development Department budget, and

Furthermore, authorize the Town Manager and/or her proxy to execute any documents which may be necessary to perfect the contracts with Aquatic Control Technology, LLC. and AB Aquatics, Inc., which have been selected for this project. MOTION CARRIED 6-0-0

Chairman Rothhaus stated the Council will be providing Certificates of Appreciation to the volunteers "In recognition of their valuable contributions, dedication, hard work, and participation in the ongoing efforts to control the variable Milfoil in Naticook Lake and Horseshoe Pond."

Legislative Updates from State Representatives

Director Micali informed the Council of a visit he received earlier in the day from Representative Pellegrino who wanted to make the Council aware of a Senate Bill voted on this afternoon regarding the 4.2 cent increase in the gas tax. Within the Bill was a proposal to eliminate the Exit 12 toll. Representative Pellegrino stated a desire for the Council and community to be aware the Federal Gas Tax will also be increasing (August). At the time of his visit he did not have the result of the vote. He sent his apologies for not being in attendance this evening; however, he had another commitment in another community. He requested citizens having concerns and/or comments contact him.

Councilor Boyd questioned the amount of the Federal increase. Director Micali stated all that is known at this time is that there will be an increase. The impetus for the increase is due to sales in electric cars resulting in decreased revenue from the gas tax.

Town Manager's Report

Director Micali stated the Merrimack Crimeline and Police Department will be having their annual "Magic Show" on April 12th from 10:00 a.m. - 2:00 p.m. at the American Legion. Local magicians and "Gunny" will be putting on a show for the Police K-9 program.

School Resource Officer Michael Murray has been selected to receive the Lifetime Achievement Award at this year's, sixth Annual Police, Fire and EMS Foundation dinner on April 23rd at the Radisson Hotel in Manchester.

The 2014 Household Hazardous Waste Collection schedule is now posted on the Town's website. The first event is scheduled for Saturday, April 19th from 8:00 a.m. - Noon at the Nashua Public Works garage located at 9 Stadium Drive. Another is scheduled for Saturday May 3rd from 8:00 a.m. - Noon at the Milford Public Works garage located at 283 South Street. There is a \$10.00 fee per vehicle



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



January 24, 2014

Dear Town of Merrimack:

Congratulations! The Department of Environmental Services (DES), Exotic Species Program has selected your exotic aquatic plant control project to receive up to a 40% cost match in 2014 for exotic aquatic plant control efforts in both Horseshoe Pond and Naticook Lake. DES will provide funds as follows:

In Horseshoe Pond:

Total Herbicide Treatment Cost: \$13,984.00

Herbicide Grant Award: \$5,593.00

Local Cost: \$8,391.00

Contractor: Lycott Environmental, Inc.

Total Diver Assisted Suction Harvesting Cost Based on Bid: \$6,800.00 (8 days at \$850/day)

Grant Award: up to \$2,720.00

Local Cost: \$4,080.00

Contractor: AB Aquatics

In Naticook Lake:

Total Herbicide Treatment Cost: \$16,665.00

Herbicide Grant Award: \$6,666.00

Local Cost: \$10,005.00

Contractor: Aquatic Control Technology, LLC

Total Diver Assisted Suction Harvesting Cost Based on Bid: \$9,000.00 (10 days at \$900/day)

Grant Award: up to \$3,600.00

Local Cost: \$5,400.00

Contractor: AB Aquatics

DES is now in the process of compiling the necessary paperwork to proceed with obtaining approval on this grant allocation. Attached, please find two documents that pertain to the granting of funds to your group from DES for 2014. Please print Items 1 & 2 on plain white paper and complete as detailed below:

1. A Grant Agreement that requires your signature, your initials and the date on each page (bottom right), and an acknowledgement by a Notary Public (please have the appropriate person in your organization complete lines 1.11 through 1.13.2 of the Grant Agreement in the presence of a notary); and,
2. A Certificate that verifies that the person who signs the contract is in a position that is authorized to do so. **IMPORTANT:** For this document, you will need two of your officers of your group (one that signs the grant agreement and one other) to complete the form, with one certifying that the other is authorized to sign the grant agreement. For this form, on line five put the name of the person that

DES Web Site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 Fax: (603) 271-2867 TDD Access: Relay NH 1-800-735-2964

signs the actual Grant Agreement; the other officer/person completes the rest of the form and signs before the notary. If necessary due to the fact that both people are not in proximity, this certificate can be completed on a date following the date that the grant agreement was signed. THIS FORM IS OFTEN CONFUSING, SO PLEASE CHECK WITH ME IF YOU HAVE ANY QUESTIONS.

Items 1 & 2 should be completed and returned to my attention at the address below no later than February 14, 2014.

All payments/disbursements will be made on a reimbursement basis upon submission of appropriate invoicing for services or materials rendered. If you require an up front disbursement (upon approval), please contact me as soon as possible and let me know how much you will need and why.

Please note that the contractual process cannot begin until we have all of the completed paperwork from your group. Your rapid attention in preparing these documents and returning them to me is much appreciated, and it will aid in expediting this frequently lengthy grant approval process.

I will be working on preparing and or updating (as appropriate) a long-term management plan for your waterbody. Once it is fully drafted, I will be sending it to you electronically for review. In mid to late February, I will be sending it to the contractor(s) who will be performing the control actions for your waterbody, so they can use it for planning purposes.

If you have questions at any point during the grant process, or would like clarification on how to complete the paperwork, please do not hesitate to contact me at Amy.Smagula@des.nh.gov or at 603-271-2248.

Sincerely,



Amy P. Smagula
Exotic Species Program Coordinator

Enclosures

November 14, 2013

Nancy Larson
Planning & Zoning Administrator
Community Development Department
Merrimack Town Hall
6 Baboosic Lake Road
Merrimack, NH 03054
nlarson@merrimacknh.gov

Re: 2014 Proposal/Agreement for an Herbicide Treatment Program to Control Invasive Variable Milfoil Growth in Naticook Lake in Merrimack, New Hampshire

Dear Ms. Larson:

Please accept this as our Bid/Proposal for a treatment program to control invasive variable milfoil (*Myriophyllum heterophyllum*) in portions of Naticook Lake during the 2014 season.

INTRODUCTION AND RECOMMENDED TREATMENT APPROACH

Aquatic Control Technology is familiar with conditions at Naticook Lake having performed the treatment program there in last year. While the 2013 treatment with Renovate Max G (2,4-D and triclopyr amine) appeared to work reasonably well, treatment of smaller areas may not work due to dilution. 2,4-D BEE granular (Navigate) herbicide still appears to be the most effective product for shoreline applications and partial-lake treatments, especially in areas that would be subject to dilution with untreated water. In 2014, we do not expect to see much regrowth, so we feel a spot-treatment utilizing Navigate would be the most effective approach at Naticook Lake.

There was a labeling change to Navigate in 2012 to volumetric dose calculations, which will allow for higher application rates to be used in deeper water. Higher application rates may be warranted especially if the final configuration of treatment areas are small (<2 acres) and have a high edge to area ratio that may be subject to dilution with untreated lake water. For these reasons we recommend targeting an in-water concentration of 2 ppm in the infested portion of the lake. If water depths in the final treatment areas are shallower or deeper, then the dose can be adjusted accordingly. Treatment timing is also important at this site to try and reduce impact from heavy water flow. We recommend targeting either a mid-June or early September treatment date, when variable milfoil plants have enough actively growing plant biomass to absorb lethal doses of the herbicide.

SCOPE OF SERVICES

Permitting:

Aquatic Control will prepare and file a Special Permit application for this treatment project on behalf of the Client. Tasks completed during permitting will include:

- Completing the Special Permit Application form and assembling the normal attachments.
- Assembling names and mailing addresses for abutting property owners that can be keyed to Town Tax Maps, querying abutting property owners as to their source of domestic water.
- Completing all normal mailings and newspaper notifications required by the Special Permit.

Treatment:

Aquatic Control’s New Hampshire licensed chemical applicators will apply USEPA/State registered herbicide(s) to designated treatment areas in accordance with the Special Permit issued by the NH Division of Pesticide Control. Final decisions on the product(s) applied, application rate(s) used, specific area(s) treated and the date(s) of treatment, will be made by mutual agreement between ACT, the Client and DES and will follow all requirements and conditions of the Special Permit.

Depending on the time of year and specific areas of treatment, the treatment will be performed using either an Airboat or aluminum work skiff powered by a conventional outboard motor. Granular herbicides will be applied using mechanical cyclone spreaders, an eductor system that delivers the granules in stream of water using fan shaped nozzles, or a hand-held granular blower. Application equipment will be properly calibrated and a Differential/WAAS GPS system will be on board the treatment boat(s) during the application to insure that the herbicide is evenly applied throughout the designated treatment areas.

Immediately prior to treatment, shorelines around the treatment areas and for a 200-foot buffer distance will be posted with signs warning of the temporary water use restrictions to be imposed per the Special Permit.

Monitoring and Reporting:

Aquatic Control will complete the following monitoring and reporting tasks to comply with conditions of the Special Permit.

- Perform pre and post treatment surveys of treatment areas.
- Arrange to have the post-treatment herbicide monitoring conducted by an independent, state-certified laboratory.
- Prepare and submit a year-end report.

TENTATIVE SCHEDULE OF PERFORMANCE - 2014

- Prepare and file Special Permit Application with NH DPC January/February
- Pre-treatment survey(s)..... May/June and/or August
- Chemical treatments (1 or 2 applications) June and/or early September
- Post-treatment inspections and reporting..... June-October

CLIENT RESPONSIBILITIES

It would be the Client’s Responsibility for compliance and assistance with the following:

- Provide an accurate and current list of all abutting property owners to each treatment area (those located within 200 feet), a copy of the town tax maps that show all the abutting parcels, and an updated inventory of water source (i.e. wells or intakes) for the abutting properties
- Identify and provide names and addresses of any property owners with direct water intakes located within 1200 feet of the proposed treatment areas.
- Identify locations of any community or public wells and their proximity to the treatment areas.
- Providing alternate water to abutters that may have to restrict their water use for drinking or irrigation following treatment, if requested and required.
- Provide a copy of the updated Long-Term Vegetation Management Plan prepared by DES.
- If possible, assist with posting on the day of treatment; or post the lake in advance of treatment. Aquatic Control will provide pre-printed posters.

COST AND PAYMENT SCHEDULE

The total cost of the chemical treatment program, broken down by task, is listed below. Even though a price for treatment of the full 30 acres is provided, we expect that less than 15 acres will require treatment in 2014.

Initial Herbicide Application in spring or fall (June or early-mid September)

Task	Description	Navigate (2,4-D BEE) herbicide
1	Prepare and file Special Permit application with NH DPC (inclusive of all required direct and certified mailings to a maximum of 35 abutters and publication of 3 newspaper notices) ¹	\$1145
2	Perform chemical treatment of up to 30 acres with Navigate @ 142 lbs/ac (inclusive of all labor, chemical & equipment) ²	\$13,820
3	Pre and post-treatment surveys and submittal of the required written reporting to the State	\$700
4	Herbicide residue sample collection and analysis (assumes 2 samples are required) ³	\$1000
	Herbicide Application Program Total	\$16,665

¹ Any changes to the 2014 permitting process (i.e. requirements for additional information, different notification requirements, different survey and monitoring requirements, etc.) may incur additional cost. Should a Public Hearing be requested, there will be additional charge of: \$500 for Aquatic Control to prepare for and attend the Public Hearing plus any direct costs associated with mailing (certified mail at \$7.00 per piece). If either fewer or more abutters require notification based on the final areas being treated, the cost will be adjusted accordingly.

² Should less acreage require treatment than is listed in bid map, the treatment cost will be calculated using the following formula:

	Navigate Program Cost
Base cost for certified applicator labor, equipment and mobilization	\$2000
Per acre unit cost (note: higher application rates will carry a higher per acre cost)	\$395

³ Requirements for additional sampling will carry additional costs of \$250 per sample for sample analysis and \$350 per round for sample collection and delivery to the lab.

Optional Second Herbicide Application in fall (early-mid September)

A second, follow-up application would require the following tasks:

- Task 5 – Re-notification for second treatment (inclusive of all required direct and certified mailings to a maximum of 30 abutters and publication of 2 newspaper notices) \$550
- Task 6 – Perform chemical treatment..... same as Task 2
- Task 7 – Additional post-treatment survey..... \$300
- Task 8 – Herbicide residue sample collection and analysis (assumes 2 samples are required) \$1,000

NOTE: The same unit costs and footnotes for the Initial Herbicide Application will apply to the Optional Second Application (Tasks 5-8 listed above). The total program cost would vary depending the total acreage being treated, number of abutters requiring notification, and number of herbicide residue tests required.

Payment of the project total shall be made as follows:

- **\$1145** for Task 1 permitting due upon accepting and returning a signed copy of this Proposal/Agreement
- Initial Herbicide Application cost due in full upon completion
- Additional tasks billed upon completion.
- **\$500** (balance) due upon submission of project completion report

Payment is due within 14 days of receipt of an invoice. Please contact us in advance if an alternative payment schedule is required.

In the unforeseen event that the NH DPC does not issue a permit for a timely treatment program, you would be obligated to only pay for work and expenses performed on Task 1 (permitting). Our ability to proceed with this treatment program is naturally contingent upon timely receipt of the required NH DPC approved permits. Specific, mutually agreeable date(s) for chemical treatment will be scheduled with you in advance and prior to permitting.

If we are selected for this project, please return a signed copy of this Proposal/Agreement to our office at your earliest convenience. If you have questions or need any additional information please do not hesitate to contact our office.

We look forward to assisting the Town of Merrimack with its variable milfoil control efforts at Naticook Lake in 2014. We are confident that our recommended treatment approach will provide effective invasive plant control for the 2014 season, and will lay the groundwork for a more affordable, integrated management program in future years.

Sincerely,

Aquatic Control Technology



Marc Bellaud
President/Aquatic Biologist

Accepted: Town of Merrimack

By: _____
(sign name)

(print name)

(date)

Naticook Lake

Merrimack



Legend

 Naticook Lake Potential 2014 Treatment Areas

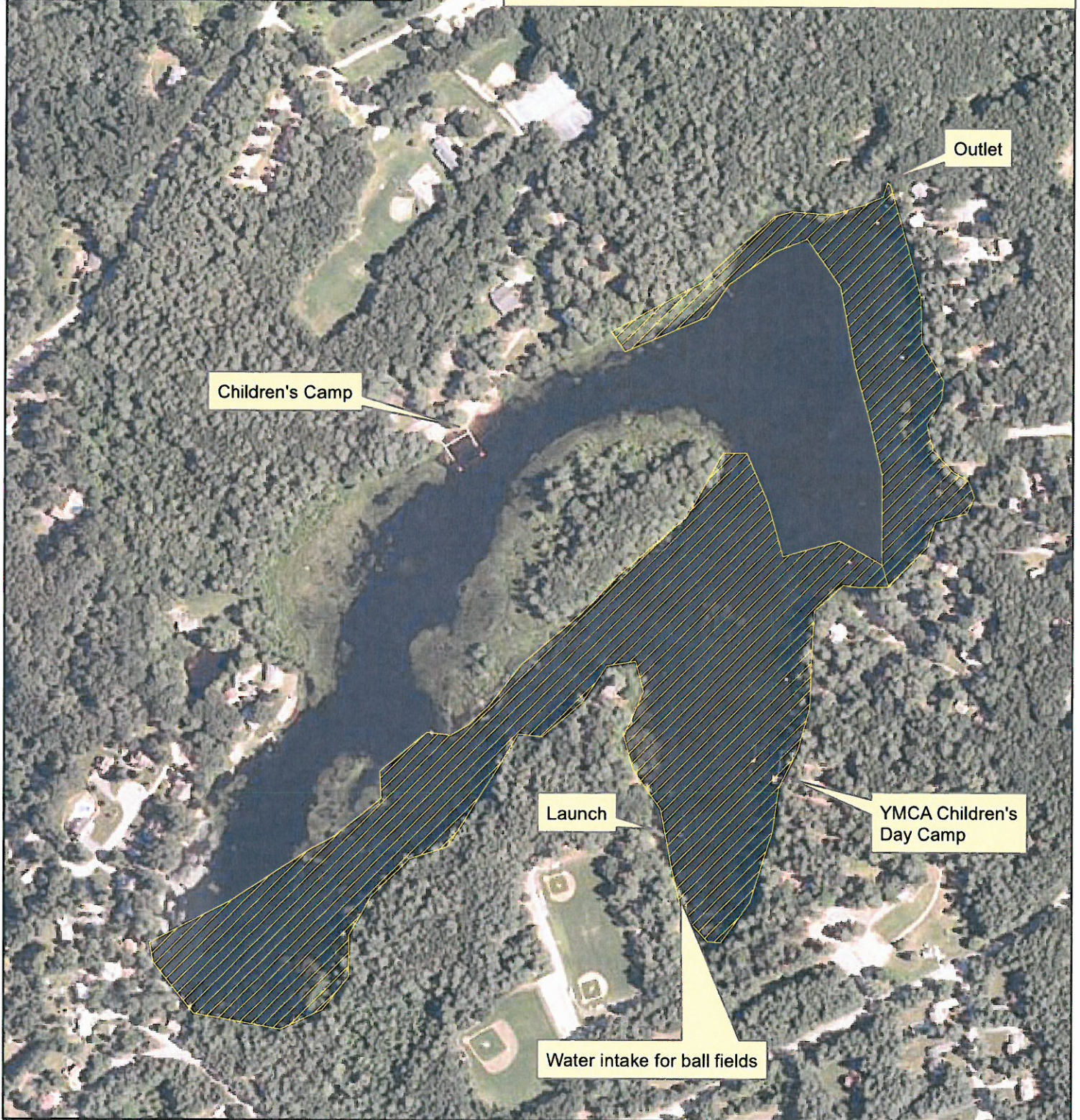


BID NOTE

PLEASE PROVIDE A BID FOR TREATING UP TO 30 ACRES OF VARIABLE MILFOIL IN AREAS SHOWN IN EARLY JUNE AND/OR SEPTEMBER 2014.

THE MAP INDICATES AREAS OF POTENTIAL TREATMENT, TO BE DETERMINED BASED ON SPRING OR SUMMER SURVEYS.

BIDS MUST BE RECEIVED BY DES BY NOVEMBER 15, 2013.



DASH/DIVER BID NOTE

Please provide a bid for providing DASH services as follows:

Two days per month from May through October, for a total of 12 days over the summer of 2014.

Please consider being flexible and shifting number of days each month (increasing or decreasing) as need/demand presents itself (i.e., more diving may be needed earlier in the season rather than later, or vice versa).

Diver/DASH areas are not yet determined for 2014, and this map shows areas of recent growth over summer 2013.

DES will provide shapefiles or other geographic information for divers to use on this project, and Weed Watchers will mark areas of growth to guide divers.

It is expected that divers will be using GPS units to locate work sites within the lake, for enhanced accuracy.


BIDS MUST BE RECEIVED BY DES BY NOVEMBER 15, 2013.

Naticook Lake

Merrimack



Legend

 DASH or Diver Areas (preliminary, subject to change)

