



**Approved
Town of Ridgefield
Water Pollution Control Authority**

**WPCA Meeting Via ZOOM
April 11, 2024 7:00 p.m.
66 Prospect Street
Ridgefield, Connecticut 06877**

WPCA: Amy Siebert, Maureen Kozlark, Gary Zawacki, Corrine Ketchum, Russell Fink
AECOM: Jon Pearson, Matt Formica, Gisele Trivino
Veolia: Jeff Pennell, Ryan Richmond

**These are not verbatim minutes of the proceedings, but identification of
general items and specific actions undertaken.**

WPCA Regular Meeting was called to order by Ms. Siebert at 7:00 p.m.

- 1) Executive Session concerning possible litigation with Spectraserv.**
 - a) Motion to go into Executive Session inviting AECOM, Veolia by Ms. Kozlark, seconded by Mr. Zawacki, passing 4-0, Ms. Ketchum was not in attendance.**
 - b) Motion to go out of Executive Session by Ms. Kozlark, seconded by Ms. Ketchum., Passing 5-0.**
- 2) Approval of Minutes February 22, 2024 by Mr. Zawacki, seconded by Ms. Kozlark, passing 5-0.**
- 3) Old Business**
 - a) Purchase of New Vector Truck**
 - i) The WPCA discussed the purchase of the Vector Truck in detail.**
 - ii) Ms. Kozlark stated the truck cost \$635,000 and the WPCA uses the truck 10 percent of the time.**
 - iii) Ms. Siebert stated that an agreement to pay 15% of the truck purchase would be fair and no maintenance.**
 - iv) Ms. Kozlark stated that at the BOS budget meeting the she noticed that budget included 20% for the truck which would put the WPCA's share at approximately \$127,000. She noted that she was unaware of the change to increase the WPCA's share from 15% to 20% and apologise for the change.**
 - b) Sale of Route 7 Treatment Plant Property.**

- i) It was noted that there was nothing new to report, as the demolition of the WWTF is pushed out until August and the 901 Ethan Allen Highway developer is still working to resolve their application denial with the Town.

4) AECOM

a) **Route 7 Pump Station, Force Main, and WWTF Decommissioning Construction**

- i. Mr. Formica noted that M&O Construction has completed the pump station wet well and dry well installation last month and are preparing the site for installations of the electrical enclosures. They have recently requested an early removal of the noise barrier to facilitate their remaining work. AECOM has been in communication with the Owner of 871 Ethan Allen Highway to determine if this would be acceptable as the temporary easement indicates that it is to remain until the work is completed. M&O's latest schedule dated 3/26/24 indicates the pump station being completed by the end of May and WWTF demolition being completed in Mid-August. Both of these are approximately 2-3 weeks longer than the previous schedule. At this point the schedule is being controlled by the field efforts and outstanding submittals. AECOM continues to be concerned with the slow progress of M&O's work and their limited office and field resources being applied to the project.
- ii. Mr. Formica reviewed that previously M&O Construction had submitted a request for a time extension with some supporting information, requesting that the current contract final completion date of August 11, 2023 be revised to June 11, 2024 in light of the delays experienced in obtaining the pump station components. AECOM had reviewed the information submitted and provided a response requesting additional supporting information to justify the requested time extension. M&O has provided a draft follow up letter and asked that we review it informally and either provide informal comments or have a call to discuss if the information submitted was what was needed to justify some or all of their requested time. AECOM provided feedback what would be needed in a formal request and offered to have a call with M&O to review. To date we have not received an updated formal letter or a request for a call to discuss our comments.
- iii. Mr. Formica noted that last month we had submitted progress Payment Estimate no. 25 for the Route 7 project for February in the amount of \$76,216.38 for M&O Construction. AECOM had reviewed it and recommended that it be approved for payment. With the cancellation of the WPCA meeting on 3/25/24, the WPCA Chair had reviewed the pay estimate and executed it for payment. Since both the contractual date for substantial completion (1/11/23) of the force main and pump station for final completion (8-11-23) have now passed, the progress payment form includes the caveat that since the contract completion dates have passed that the WPCA reserves the right to assess liquidated damages if a time extension is not justified and executed in a change order. Through the end of February 69% of the construction cost has been expended, and 133% of the contract time has passed.
- iv. Mr. Formica noted that AECOM is continuing to work with Kevin Redmond and Lee Rogers to advance the first Route 7 CWF Payment Reimbursement. Mr. Roger has

recently provided a first draft of a payment requisition for the project which is under our review.

b) South Street WWTF Upgrade Construction

- i. Mr. Formica noted that construction has continued this month on the project including the following significant items.
 - a. The fire alarm was testing in the presence of the Fire Marshall this week. The result and documentation remain outstanding.
 - b. The WWTF has been using the new Centrifuge for dewatering operations and is generating thicker solids than before. It was noted that there are still several start up items that are being worked though on the supporting ancillary systems (Plant water and Polymer)
 - c. The filter sand sieving was completed and filter manufacturer NEXOM was on site for the month of March to optimize the process. They have shown the ability to meet the new permit limits on several occasion but not constantly. They had some difficulties with both the bed turn over and the headloss observed across the filters was high than they had predicted. As such they have recommended that the Bed Depth be reduced from 60 inches to 40 inches to improve both conditions. They have provided a letter to the WPCA indicating that the bed reaction would:
 - i. Not impact their Impact their warranties/guarantees
 - ii. Would not impact their ability to meeting the specified effluent performance (to be proven out by a 7 day performance test). It notes that it would improve the treatment but we do not believe so.
 - iii. That the use of a vactor truck and the disposal of the sand would be at their cost thru Spectraserv. The letter does not refence Spectraserv's labor costs, but an email indicates that their labor costs would be covered.

Mr. Formica noted that DEEP is aware of this change is on board provided that they honor their performance guaranties. In additional AECOM had asked if NEXOM was willing to offer any additional services as a result of this change and they were not willing to.

The WPCA indicated that they would like to proceed with the bed depth reduction provide that the letter be updated to confirm Spectraserv's labor costs were covered.

- d. AECOM noted that Spectraserv has requested and AECOM has indicated that the Generator was Substantially complete on December 26, 2023. AECOM has generated the associated certificate with a valued punch list to be signed by Spectraserv. Once signed that will be circulated to the WPCA for execution. As noted before the significance of this document is that it starts the one-year warranty on this item, the operation and maintenance of this of this item becomes the responsibility of the WPCA and the contract retainage on this item will be reduced to the punch list value.

- ii. Mr. Formica noted that through CO 17 accepted last Month, the total change orders to date are \$1,065,194.33 representing 2.8% of the original construction cost. He noted that there is no formal change order this month but we did want to talk about WPCA about four potential change orders provided to WPCA in advance of this meeting to received direction if the WPCA would like to proceed with these items. The Specific PCOs and the WPCAs direction were as follows:
 - a. PCO 127 VFD Time Delay Relay Addition. Value \$52,866. The WPCA elected not to proceed with this work.
 - b. PCO 133 Influent Pump Station Lifting Cable Revision to Rails. Value \$37,934. The WPCA elected not to proceed with this work.
 - c. PCO 134 Site Lighting Revisions (light pole removal). Value \$26,662. The WPCA elected not to proceed with this work.
 - d. PCO 136 Plant Security Cameras Addition. Values \$40,649.82. C. Ketchum provide a motion to proceed with the work at a cost not to exceed \$40,649. Motion was seconded by G. Zawacki. Motion passed 5-0.
- iii. Mr. Formica noted that last month we had submitted progress payment estimate no. 54 for the South St project for February in the amount of \$248,875.41 for Spectraserv. AECOM had reviewed it and recommended that it be approved for payment. With the cancelation of the WPCA meeting on 3/25/24, the WPCA Chair had reviewed the pay estimate and executed it for payment. The progress payment form includes the caveat that since the contract substantial (5/23/22) and final completion (8/21/22) dates have passed that the WPCA reserves the right to assess liquidated damages if a time extension is not justified and executed in a change order. Through the end of December, Spectraserv has expended 96% of the project cost, while 144% of the contract time has passed.
- iv. Mr. Formica noted that Spectraserv's latest schedule date 3/8/24 extended substantial completion to 4/26/24 (3 more weeks) and final to 6/13/24 - slipped 6 weeks. The next schedule update has been promised by tomorrow and we believe that is will be pushed out again.
- v. Mr. Formica noted that Spectraserv's monthly expenditures are not keeping up with their cash flow projection provided on 12-20-23 and that AECOM believes that this cash flow projection has limited value at this point due to the extended schedule and inability to meet past projections. Mr. Formica reported that Spectraserv's average monthly expenditure rate for the last 6 months was \$297,000. In order to meet the 6-13-25 final completion date shown in their latest schedule, going forward Spectraserv would need to expend \$466K per month (not including retainage). As a result, AECOM's projected completion date based on the historical expenditure rate is Early August.

Mr. Formica indicated that AECOM remains concerned with the rate of progress and the number of workers which includes subcontractors on site including those that have not been their regularly specifically the roofers/siding installer who are negatively impacting the project. AECOM had received a letter from Horton Electric indicated that they will be reducing their workforce to two days per week as

Spectraserv is not meeting schedule that was agreed to by Spectraserv and Horton.

- vi. Mr. Formica discussed to increase the focus on Spectraserv meeting their schedule, virtual meetings/calls have been held regularly since November with Spectraserv, their attorney, and their bonding company Liberty Mutual, along with Ms. Siebert, Ms. Kozlark, Mr. Muller, Attorney Frank, Mr. Formica, Ms. Trivino, and himself attending. Since the last WPCA meeting we had 3 calls with the same parties on 2/29/24 and 3/14/22 and 4.4.24. where we discussed the incomplete items indicated to be completed from their 1-31-24 and 3-8-24 schedules respectively, their work force and the project burn rate. The next call is scheduled for 4-25-24.
- vii. Mr. Formica reviewed that last month a letter was drafted formally indicating that the WPCA did not believe that Spectraserv would be able to meet the existing Administrative Order date for phosphorus removal and to request an extension to the Administrative Order. This letter was reviewed by the Town council and submitted to DEEP. Mr. Formica noted that AECOM has inquired with DEEP on the status of that letter but have not received any formal indication of whether it will be accepted.
- viii. Mr. Formica also reviewed that in the past two letter have been sent from the WCPA to the DEEP to note that the WWTF has exceed the 90% design flows for 180 days as a result on the plant's effluent flow meter was malfunctioning in July 2023 as well as the excessive city water use while the PW system was of line and the recent precipitation in the last few months that is greater than historically observed. With the high flows in February and March AECOM will draft another letter on the WPCA's behalf covering these months.

c) Quail Ridge Pump Station Relocation

- i. Mr. Formica discussed that AECOM has re-started work the design of the pump station and have recently received some required information from Jake Muller needed to coordinate the pump station design with the planned Police/Fire facility as well as details on the potential rail trail extension along the sewer easement proposed between Prospect Street and Old Quarry Road. Mr. Muller had indicated that the Town wanted to include a gravel walking path along the gravity sewer route on Town property between the old pump station and the new pump station. It was noted that AECOM would provide a detail confirming the path details with Mr. Muller. The WPCA noted that this change would likely add to the project cost and that there may be Grants for walking trails that could be obtained to offset the project costs. The WPCA indicated that they would follow up with Mr. Muller to see what grants might be available.
- ii. Mr. Formica noted that AECOM would have their hazardous materials survey subcontractor in the field as early as next week to assess the existing Quail Ridge Pump Station and Highway Department Pump Station.

5) Veolia

- a) Mr. Pennell stated that the Zinc levels are back to normal.

- b) The average flow has been 1.3mgd.
- c) Ms. Siebert asked if Veolia is monitoring the Smart Covers for additional flow due to heavy rain events. Mr. Pennell stated that they check on the following areas:
 - i) East Ridge and Branchville
 - ii) Corner of Grove Street and Danbury Road
 - iii) Prospector Theater
 - iv) More covers are needed to check on additional areas at New Street and St. Stephens Church.

6) Adjournment

Motion to adjourn the meeting at 9:05 p.m. by Ms. Ketchum, seconded by Mr. Zawacki, motion passed 5-0.

Submitted by Diana Van Ness