



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

**WPCA Meeting Via ZOOM
May 23, 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.**
 - a) Motion to go into Executive Session inviting AECOM, Veolia by Ms. Siebert, seconded by Ms. Ketchum, passing 5-0.**
 - b) Motion to go out of Executive Session by Ms. Kozlark, seconded by Ms. Ketchum., Passing 5-0.**
- 2) Approval of Minutes April 11, 2024 by Mr. Fink, seconded by Ms. Kozlark, passing 5-0.**
- 3) Old Business**
 - a) Purchase of New Vactor Truck**
 - i) Purchase of the Vactor truck was passed at the budget meeting.
 - b) Sale of Route 7 Treatment Plant Property.**
 - i) It was noted that there was no update on sale of property.
- 4) AECOM**
 - a) Route 7 Pump Station, Force Main, and WWTF Decommissioning Construction**
 - i. Mr. Formica noted that last month M&O Construction has completed the placement of the electrical enclosures and generator on site and have completed most of the underground conduit work. They have also completed a significant amount of

grounding. The wiring of components at the site is scheduled to begin shortly as is that installation of the fuel oil systems to support the generator.

- ii. Mr. Formica noted that M&O's latest schedule dated 5-21-24 indicates the pump station now being completed by July 10 and the WWTF demolition being completed in September 18. Both of these are approximately 6 weeks longer than the previously schedule that was provided 8 weeks ago. Mr. Formica indicated that 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. M&O has acknowledged that that are having issues with and that they are trying to put pressure on their subcontractors and suppliers to provide needed staffing and submittals to advance the project. M&O have noted broken commitments from their electrical subcontractor who is working through United Concrete and that this subcontractor's less than full time effort on the pump station is impacting the project. M&O have indicated that they are trying to get better commitments from all their subcontractors and suppliers to complete the work.
- iii. Mr. Formica noted that last October 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 in November requesting additional supporting information to justify the requested time extension. M&O had provided some addition information last December informally in requesting feedback if it was sufficient information and a request for a call to discuss. AECOM had provided written feedback in March indicated that AECOM was open to a call. To date M&O has not requested or tried to schedule a call and a final letter with the requested additional information in support of a time extension has not been received.
- iv. Mr. Formica indicated that there was not a signed pay estimate for the WPCA's execution this month. He continued that as typical with any month, AECOM received a draft pay estimate from M&O and AECOM provided comments to reduce their payment as AECOM did not believe that the work is far along as M&O indicated or due to other issues. This month M&O chose to ignore a significant pay estimate comment as it relates to retainage. Last month M&O requested that the 5% retainage on the force main portion of the project and the traffic control portion be reduced to 2% as all of the force main had been installed and tested an only a small portion of the fiber optic cable associated with the force main remains. AECOM had indicated to M&O that this request would be reviewed with the WPCA.

Mr. Formica shared a marked-up pay estimate with WPCA highlighting the changes to the pay estimate that would occur if this request was agreed to. In summary, the reduction in the retainage to 2% for the force main would net M&O an approximate additional \$93K in payment and the 2% reduction for traffic control would net M&O an approximate additional \$18K in payment for a total of approximately \$111K. It was noted that in April M&O was only on site 14 of the 22 working days and the last schedule pushed the project substantial completion out 6 weeks. The WPCA noted that the continue to incur costs to operate and maintain the Route 7 WWTF and site engineering services as the end dates continue to slide out.

Mr. Formica reminded the WPCA the 5% retainage has been being held on all project costs as allowed by the contract per the Clean Water Fund Required Construction Contract Revisions that the contract retainage may be reduced from 5% “provided that the Contractor is making satisfactory progress and there is no specific cause for greater withholding.”. AECOM noted that given repeated concerns with project progress and continued schedule slippage well past the contractual date for substantial completion and final completion, and the recent number of days with no workforce at the site, that AECOM recommends that the retainage remain at 5%. AECOM asked the WPCA if they would like to reduce the retainage on the requested items. The WPCA indicated that they did not given the continued delays and days not working on site.

- v. 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 was reviewed by AECOM has been provided to Mr. Redmond for the Towns’ 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 filter bed depth was reduced to 40 inches and Nexom is working to optimize the system. The bed turn overs have improved but AECOM is still working with Nexom to tune the system to meet the effluent total phosphorus targets while minimizing impacts on other WWTF systems. Mr. Formica reminded the WPCA that the South Street WWTF total phosphorus effluent permit is the lowest in the state that AECOM is aware of and challenges during start up that have occurred are not unexpected.
 - b. The building roofs were inspected by the roofing manufacturer (Mule Hide) with some direction provided to Tactical Roofing to address. Mule Hide is expected to return to the site shortly to confirm the installation and the warranty.
 - c. The last of the two odor control units have been energized and have been checked out by the equipment manufacturer.
- ii. Mr. Formica noted that a draft Change Order No. 18 was provide to the WPCA in advance of the meeting. This change order included 15 items for a total additional project cost of \$64,236.81. AECOM noted that they would be happy to discuss in detail should the WPCA wish. Mr. Formica noted that with Change Order No. 18 , the total change orders to date are \$1,123,431.14 representing 3.0% of the original construction cost.
 - a. Motion to approve Change Order No. 18 by Ms. Kozlark, seconded by Ms. Ketchum. Motion passed 5-0.**
- iii. Mr. Formica noted that last month AECOM had submitted progress Payment Estimate No. 57 for the South St WWTF project for April in the amount of \$278,788.05 for Spectraserv. AECOM had reviewed it and recommended that it be approved for payment. AECOM noted that 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 97% of the project cost, while 149% of the contract time has passed.

- iv. Mr. Formica noted that Spectraserv's latest schedule provided 5/14/24 extended substantial completion to 7/22/24 (9 more weeks) and final completion to 11/15/24 (an additional 19 weeks).
- v. Mr. Formica noted that Spectraserv's monthly expenditures continue to remain out of line with their schedule projections. In order for Spectraserv to meet their 7/22/24 substantial completion date they would need to expend approximately \$417K per month which is a value that they have not achieved in the last 8 months. AECOM's projected substantial completion date based on the average expenditure over the last 6 months is mid-September 2024.
- vi. Mr. Formica indicated that AECOM remains concerned with the rate of progress and the number of workers which includes subcontractors on site are negatively impacting the project. AECOM noted that there is still a significant amount of incomplete original contract work including electrical work, HVAC and HVAC control work, landscaping, fire alarms, and incomplete items/punch list work. Mr. Formica noted that many of the subcontractors and suppliers needed to complete this work are often not on site. Mr. Formica noted that for the first 15 workdays in May the following subcontractors were on site as follows:
 - Electrician - 9 of 15 days (60%)
 - Painter - 5 of 15 days (33%)
 - Roofer - 7 of 15 days (47%)
 - HVAC /Plumbing Contractor - 8 of 15 days (53%)
 - Automatic Temperature Control (ATC) Manufacturers - 2 of 15 days (13%)
 - ATC electrical Sub - 2 of 15 days (13%)
 - HVAC Balancer - 0 days
 - Fire Alarm Vendor - 0 days
 - Landscaper - 0 days (some spring plant season window end June 1)
- vii. Mr. Formica discussed the continued efforts to push Spectraserv and their surety (Liberty Mutual) to complete the project. It was noted that regular meetings/calls have been being held with Spectraserv and their attorney and their bonding company Liberty Mutual, along with Amy, Maureen, Jake Muller, Monte Frank, and Jon Pearson, Gisele Trivino and Mr. Formica attending (with a few absences) since November. Since the last WPCA meeting there was one call with the same parties on 4/25/24 and we had planned for but cancelled a call on 5/16/24 due to the Spectraserv's updated schedule provided on 5/14/24 and correspondence back and forth between AECOM and Spectraserv related to the incomplete items indicated to be completed from their 4/15/24 schedule.

Since the last call the Town's attorney had provided a letter to Spectraserv's attorney on 4/26/24 indicating additional schedule slippage was not acceptable. Spectraserv's

Attorney provided a follow up letter on 5/6/24 highlighting several reasons why they believed the schedule delays were the responsibility of others. The Town's attorney is in the process of drafting a response disagreeing with their opinion and presenting facts to support the disagreement. The next call with all parties to review the work progress is scheduled for 6/6/24.

- viii. Mr. Formica noted that last month a letter was sent to DEEP 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. On 4/18/24 the Town received a letter from the DEEP that extended the Administrative Order another year.
- ix. Mr. Formica also reviewed that another letter has been drafted on behalf of the WCPA to the DEEP to noting that the WWTF has exceed the 90% design flows for 180 days as a result of excessive city water use by Spectraserv while the plant water system was of line and the recent precipitation in the last few months that is greater than historically observed. The most recent letter for these high flows covered the month of February, March, and April .

c) Quail Ridge Pump Station Relocation

- i. Mr. Formica discussed that AECOM is continuing the work to complete the pump station design. He noted that last month AECOM had their hazardous materials survey subcontractor in the field to assess the existing Quail Ridge Pump Station and Highway Department Pump Station. Mr. Formica indicated that they had received the draft reports from their subcontractor and are pleased to let the WPCA know that they did not identify any PCBs, lead paint or asbestos at these stations.

5) Veolia

- a) Mr. Pennell indicated that the average flow last month had been 1.03mgd.
 - i) Mr. Pennell stated that the manhole behind Home Goods and Marshalls has an accumulation of paper and Veolia is monitoring and cleaning on a regular basis.
 - ii) Mr. Pennell stated the Route 7 primary bypass pump has shut off last month. Veolia called M&O to restart the pump and to address some identified alarm call out issues. All bypass pumping systems have been returned to normal service.

6) Adjournment

Motion to adjourn the meeting at 8:40 p.m. by Ms. Kozlark, seconded by Ms. Ketchum, motion passed 5-0.

Submitted by Diana Van Ness