



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

**WPCA Meeting Via ZOOM
June 27, 2024 7:00 p.m.
66 Prospect Street
Ridgefield, Connecticut 06877**

WPCA: Amy Siebert, Maureen Kozlark, Gary Zawacki
WPCA Absent: Corrine Ketchum, Russell Fink
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 7:01 p.m.

1) Approval of Minutes May 23, 2024 by Ms. Kozlark, seconded by Mr. Zawacki, passing 3-0.

2) New Business:

a) Review Sewer Rates. Discussed Rate Model. The model will be reviewed and a decision made on sewer rates at next meeting when all members are in attendance.

3) Old Business

a) Sale of Route 7 Treatment Plant Property.

i) It was noted that there was no update on sale of property.

4) AECOM With AECOM's planned absence for this meeting, they sent the following summary of the ongoing construction and design projects:

1. Route 7 PS, FM, and WWTF Decommissioning

a. Construction Update

i. This month, M&O Construction performed the following work items:

1. Backfilling of the majority of the excavations at pump station site.
2. Began to pull some of the wiring between electrical components.
3. Delivered the generator fuel oil tank and began installing the fuel oil piping.

4. Removed the temporary noise barrier.

b. Schedule

- i. We have not received an updated project schedule from M&O Construction since 5/21/24, but recent projections by them have indicated the substantial completion of the pump station being pushed out at least a week to July 17 (the substantial completion date was July 10 in the 5/21/24 schedule).
- ii. 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. The work by the Electrical subcontractor appears to be on the critical path and they unfortunately have not been on site full time during the last month. In the last month the electricians have only been on site approximately 50% of workdays.
- iii. In light of these concerns, AECOM issued another letter to M&O Construction and their surety expressing these concerns about the schedule and requesting specific actions that will be taken to address the schedule concerns. This letter was reviewed by Town Counsel and the DEEP, and the Town's First Selectperson and the Town's Purchasing Officer were copied. No response to this schedule concern letter has been provided nor has an update on M&O's potential revised time extension request has been submitted as of the date this report.

c. Monthly Pay Estimate

- i. This month we had forwarded in advance of this report the signed M&O Pay Estimate No. 28 for the WPCA's review and execution. Please note that it is a marked-up version of the pay estimate prepared by M&O Construction which was revised to continue to hold 5% retainage on all completed work. M&O continues to request that the retainage on the completed portions of the force main and traffic controls be reduced to 2%. Given the repeated concerns with project progress and continued schedule slippage, well past the contractual date for substantial completion and final completion, we have requested M&O maintain the retainage at 5% with the exception of any items/work areas that are substantially complete and have valued punch lists (there are none to date). Similar to last month they have refused to address this request. As a result, we have provided a hand markup of Pay Estimate No. 28 to maintain the 5% retainage. The marked up version of progress payment Estimate No. 28 for Route 7 Project for May is in the amount of **\$263,718.46**. We have reviewed it and recommended that it be approved for payment. The progress payment form includes the caveat that since the contract's pump station and force main substantial completion date (1/11/23), the WWTF demolition contract substantial completion date (6/30/23) and the project final completion date (8/11/23) have all passed that the WPCA reserves

the right to assess liquidated damages if a time extension is not justified and executed in a change order.

d. Change Orders and PCOs.

- i. There is no formal change order this month.
- ii. Per our discussion last month, we have removed several Contract Modification Request (CMR) change order items from Spectraserv's scope including the wetlands enhancement plan that was part of the requirements from the Inland Wetlands Board Adopted Resolution of Approval for the project. As discussed last month, there are two paths going forward with the removal of this work from Spectraserv's work.
 1. One was to have another contractor perform the work outside of Spectraserv's work.
 2. The second was to request from the Inland Wetlands Board that the wetlands enhancement plan for the small wetlands pocket on the site be removed from the Adopted Resolution Requirements due to their past acknowledgment by the Board that these wetlands were small and of limited value. At the request of the WPCA AECOM reached out to the Planning and Zoning Department and Inland Wetlands agent to get a sense if they thought this was something that the Wetlands Board would entertain. It was indicated to AECOM that this request would need to be made directly to the Wetlands Board and AECOM was offered to be included on their agenda (see the email from 6/19/24). AECOM indicated that the WPCA would need to be consulted to determine if the WPCA would like AECOM to attend a Wetland Board meeting and make this request. AECOM is requesting guidance from the WPCA if AECOM should move forward to attend an Inland Wetlands Board meeting to discuss the request for modification of the Adopted resolution to delete the wetlands enhancement plan requirement.

e. Payment Estimate

- i. We had forwarded in advance Pay Estimate No. 57 for Spectraserv that covers work completed in the month of May in the amount of \$162,849.80. We have reviewed it and recommended that it be approved for payment. This estimate maintains the withholding of 5% retainage on items that are not substantially completed and include the typical 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.

f. Schedule

- i. AECOM received a schedule update from Spectraserv on 6/11/24 which showed the same substantial completion date of 7/22/24 that was noted in the previous update. With the deletion of the wetland enhancement plan CMR, the updated schedule projects a final completion date of 8/21/24 (approximately 3 months earlier than the previous update). AECOM does not believe that either of these dates will be met given the outstanding work, items to be addressed, and Spectraserv's difficulty getting subcontractors and manufacturer representatives to the site.
- ii. AECOM remains concerned with the rate of progress and the number of workers which includes subcontractors on site. There is still contract (not change order work) that remains incomplete including:
 - Electrical work
 - HVAC/Automatic Temperature Control work
 - Fire Alarm work
 - Punchlist and Incomplete Items work
- iii. Please note that on 6/5/24 Spectraserv submitted a request that substantial completion be granted on all outstanding project buildings and structures (site work and yard items remain). AECOM had provided an initial response to this request that the Operations Building and Influent Building cannot be recommended for substantial completion until the outstanding warranty confirmation from the manufacturers due to roof leaks and siding installation problems have been resolved. In addition, AECOM noted that the Odor Control systems cannot be recommended for substantial completion until the systems can be operated on a continuous basis (they are currently not operational). As required by the Contract Documents AECOM is in the process of conducting walk through reviews of all areas that have been requested as substantially completed to identify incomplete items and to provide recommendations to the WPCA on whether AECOM considers these are substantially complete or not.

g. Filter Update

- i. As noted last month the filter bed depth has been reduced to 40 inches and the filter manufacturer Nexom has returned to the site to optimize the system operation.
- ii. While the operation of the filters has improved there have been concerns with the ability of the filters to meet the required effluent limits at the specified filter influent water characteristics and a recently observed iron residual in the filter effluent that is impacting downstream processes. AECOM is working with Veolia and the WWTF staff to address these concerns prior to initiating the filter performance test. Modifications to address these issues include considering lowering the filter design loading rate at average conditions, lowering the filter influent water quality concentrations, chemical dosing changes, and the potential of increasing

the sand bed depth. The DEEP has been made aware of the status of the filter operation and these issues and efforts to address them.

h. Liberty Mutual Schedule Discussions Update

- i. As noted previously, regular meetings/calls have been held with Spectraserv and their attorney and their bonding company Liberty Mutual, along with Amy, Maureen, Jake Muller, Monte Frank, and Jon, Gisele and Matt attending these meeting (with a few absences) since November. Since the last WPCA meeting we had one call with the same parties on 6/6/24. In light of the limited progress that is made on these calls, the next call was pushed out five weeks and is scheduled for 7/11/24.
- ii. As noted previously, the Town's attorney had provided Spectraserv's attorney a letter 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 provided a follow up response on 5/24/24 disagreeing with their opinion and presenting facts to raise concerns with Spectraserv's work force and the project monthly expenditure rate. No further correspondence has been provided to date.
- iii. As part of the discussion with the parties on the Liberty Mutual calls, AECOM provide a high-level list of electrical items that were incomplete for Spectraserv's use in pushing Horton Electrical Services (HES) to complete their work. Spectraserv subsequently attached this list to a letter from Spectraserv's attorney to HES's Bonding Company (Great American Insurance Company) on 6/13/24 indicating that Spectraserv was considering declaring HES in default of their subcontract. HES's subsequently provided a response on 6/17/24 to Spectraserv's attorney highlighting project concerns related to Spectraserv's actions and addressing the noted concerns/issues in Spectraserv's attorney's letter. Subsequent to these correspondences, HES has requested a meeting with the Town, AECOM, Spectraserv (and their counsel and bonding company), and HES, (and their counsel and bonding company). This meeting has not been agreed to or scheduled to date. The Town's counsel has been copied on these correspondences and would participate if the meeting were to occur.

2. AECOM Engineering During Construction Budget

- a. As you may recall AECOM's last contract amendment for engineering services was developed and executed by the WPCA in January 2024 and included a budget adjustment to provide services through the then projected construction completion date for both contracts, which at that time was through July 2024. Based on a recent review of our expenditures, AECOM is expecting to expend the amended budgets for two of the tasks on the South St WWTF project, Basic Construction Services and Resident Representation Services, in the near future. There is still unexpended

budget on some of the other South St WWTF tasks and for all tasks on the Route 7 project. With the current extended construction schedule for both the Route 7 project and the South Street project, AECOM will be providing engineering during construction for a longer period than the current budget was planned to cover as noted. We are reviewing the project budget status in light of the extended construction durations and the budgets for each project task and will be prepared to discuss a task level budget reallocation (which will be required by DEEP) and/or a budget adjustment due to the extended construction duration at the next WPCA meeting.

3. Quail Ridge Pump Station Relocation Design

- a. No items to report on this project this month.

4. Branchville- Georgetown Sanitary Sewer Infrastructure Feasibility Study Request for Qualifications - WestCOG

A few days ago, AECOM noted a Sewer Infrastructure Feasibility Study Request for Qualifications (RFQ) for engineering services was recently advertised by the Western Connecticut Council of Government (WestCOG) on behalf of the Towns of Redding and Ridgefield.

- a) Mr. Pennell stated both plants met their permits and how our flows have come down since previous months.
- b) Mr. Richmond stated the urgency of getting Aeration Tank 1 cleaned by Moran so they can swap the flow out of Aeration Tank 2 and inspect Aeration Tank 1 while still under warranty.
- c) **Motion was made to hire Moran (MER) not to exceed \$67,800.00 by Ms. Kozlark, seconded by Mr. Zawacki, passing 3-0.**
- d) Mr. Richmond stated the necessity for HO Penn to be the service provider for our new emergency generator because of its familiarity with the equipment and its complexity.
 - i) **Motion was made for H.O. Penn to service the Model Caterpillar 3512 for 3 years at a cost of \$13,930.00 by Mr. Zawacki, seconded by Ms. Kozlark, passing 3-0.**

5) Adjournment

Motion to adjourn the meeting at 7:56 p.m. by Ms. Kozlark, seconded by Mr. Zawacki, motion passed 3-0.

Submitted by Diana Van Ness