



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

**WPCA Meeting Via ZOOM
August 22, 2024 7:00 p.m.
66 Prospect Street
Ridgefield, Connecticut 06877**

WPCA: Amy Siebert, Gary Zawacki, Russell Fink,
Corrine Ketchum arrived at 7:10p.m.
WPCA Absent: Maureen Kozlark
AECOM: Jon Pearson, Matt Formica, Gisele Trivino
Veolia: Ryan Richmond, Jeff Pennell
Guests: Mona Thorpe, Joan Wheeler

**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) Approval of Minutes. Mr. Russell Fink made a motion to approve the July 25, 2024 minutes, seconded by Mr. Zawacki passing 3-0.**
- 2) New Business**
 - a) **21 Abbott Avenue.** Ms. Mona Thorpe stated that she should not be billed before Planning and Zoning's approved the accessory dwelling.
 - b) Ms. Siebert stated that Ms. Thorpe should put her concerns in writing and send to the WPCA.
- 3) Old Business**
 - a) **Sale of Route 7 Treatment Plant Property.**
 - i) It was noted that there was no update on the sale of the plant property.

4) AECOM Report

1. Route 7 PS, FM, and WWTF Decommissioning

a. Construction Update

This month, M&O Construction has

- Started up the pump station and have been conveying flow to the South St WWTF since 8/6/24. No significant issue so far (addressing minor items).
- Working on final pump station yard items (curbing, grading, guard posts, etc)

- Veolia has drained down the process tanks at the Route 7 WWTF and M&O is coordinating with their subcontractor to complete the material removal from the tanks.

The WPCA has sent a letter to the DEEP to formally terminate the WWTF's NPDES permit now that flow has been diverted.

Please note that on 8/12/24 M&O formally requested substantial completion on the Pump Station and Force Main. AECOM is in the process of reviewing the work and developing list of incomplete items so that we can provide a recommendation to grant substantial completion or not.

M&O's latest interim schedule from 7/30/24 and recent verbal indication from M&O indicates that they will have the WWTF Demolition complete by 10/21/24 (no change).

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. Submittal of on the pump station and WWTF are outstanding and there has been limited activity at the WWTF (just started erosion controls yesterday and had their tank cleaning subcontractor on site this week).

As noted in our report last month, we had not seen as response to our schedule concern letter to M&O and their surety and requesting specific actions that will be taken to address the schedule concerns that was provided in June. We plan to send them another reminder shortly.

This month we had forwarded in advance of this meeting the signed M&O Pay Estimate No. 30 for the WPCA's review and execution for work thought 7/31/24. 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 the last three months they have refused to address this request. As a result we have provided a hand markup of Pay Estimate No. 30 to maintain the 5% retainage. The marked up version of progress payment Estimate No. 30 for Route 7 Project for June is in the amount of **\$101,426.78**. 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.

Through the end of July, 81% of the construction cost has been expended, and 159% of the contract time has passed.

2. South Street WWTF Upgrade Construction

Construction has continued this month including the following significant items.

- The filter performance testing began.

- To date the test results appears to be satisfactory but we will need all of the testing data to confirm.
- The site wide grounding, lighting protection, and testing was completed
- Continue to work to address HVAC equipment/start up and installation issues.

Change Order and PCOs

There is no change order this month.

Wetlands Discussion. Per our previous discussions, we have removed several Contract Modification Requests (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 we were we provided guidance by the WPCA to request that the enhancement plan be removed from the Adopted Resolution Requirements.

We had requested that to be put on the next Available IWB agenda. Due to conflict with IWB meeting dates and the WPCA meetings, they are hopeful that we can be put on the October 10th IWB agenda (TBD).

Pay Estimate

We have been working with Spectraserv to finalize payment estimate 59 for work through the month of July based on some disagreements over line items in the estimate. They provide an updated pay estimate this afternoon that we will review and forward to the WCPA upon agreement for execution. The pay estimate is likely to be in in the order of ~\$75,000.

The progress payment form will include 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. Similar to M&O we are holding 5% contract retainage in work that is not substantially complete.

Through the end of June, Spectraserv has expended 98% of the project cost, while 157% of the contract time has passed.

Substantial Completion Request

As we noted last month, 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 remained incomplete at that time). 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 we noted that the incomplete work in the Septage Building that remains needs to be significantly reduced to the extent that efforts to complete the items will not impair the usefulness of the work (including incomplete work impacting the vehicular traffic to the building or incomplete work that would be impacted by the environmental conditions of the building) once the building is put into its intended service.

Subsequently on 8/2/24 Spectraserv requested substantial completion on the entire project.

As required by the Contract Documents AECOM has been conducting walk through reviews of all areas that have been requested as substantially completed to identify incomplete items. Based on this review, we have informed Spectraserv that AECOM does not consider the entire project substantially complete and does not recommend that the WPCA grant substantial completion for the following reasons:

Several items identified in AECOM's June 13, 2024 email responding to Spectraserv's request for partial substantial completion email are not minor, remain unaddressed, and cannot be considered substantially complete including:

- Providing the 30 year warranties including written confirmation from the roofing manufacturer Mule Hide that the previous leaks in the building roofs that resulted from incomplete roof installation do not impact the warranty for both the Influent Building and the Operations Building.
- Correcting the fiber cement siding installation that was installed using unacceptable fasteners for the siding and furring strips for both Influent Building and the Operations Building and providing the manufacturer's product and finish warranties of the corrected installation.
- Reducing the incomplete work items inside the Septage Building to the extent that efforts to complete the items will not impair the usefulness of the work (including incomplete work impacting the vehicular traffic to the building or incomplete work that would be impacted by the environmental conditions of the building) once the building is put into its intended service.

In addition, the remaining value of the incomplete work on the project remains greater than 1% of the adjusted Contract Price, which is part of the definition of substantial completion. This adjusted Contract Price includes the formally executed price adjustments through Change Order 19. In an effort to assist Spectraserv to identify what work remains to be completed, we have been, and will continue, to provide incomplete items lists by building or area.

Latest schedule.

Spectraserv's updated Schedule from 8-9-24 indicated a substantial completion date of 7/31/24 and a final completion on 10/11/24 (4 weeks later than their 7/16/24 schedule).

They have not met the substantial completion date as previously indicated and we do not believe that they will meet the final completion date that have projected due to the outstanding work and their inability keep their subcontractors on site and inability to meeting their projected dates 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 which includes contract documentation including:

- HVAC equipment installation, check out, and testing
- ATC check out and testing
- Roofing
- Siding

- Filter testing (ongoing noted above).
- SCADA work
- Excess soils testing/removal
- Punch list/incomplete items work

Liberty Mutual Schedule Discussions update.

The last call/meeting/email exchange that we the WPCA Subgroup, AECOM and Town Counsel had with Liberty Mutual, Spectraserv and their Attorney was on 7/11/24. No further meetings have been planned or requested by either party.

a) Quail Ridge Pump Station Relocation Design

- b) No items to report on this project this month.**

5) Veolia

- a) Mr. Pennell discussed that as noted last month, they have an issue with pump no. 2 at the Ramapoo PS. Kovacs Construction (who constructed this PS in 1998) reviewed the issue and concluded the pump needs a new suction base elbow as it has deteriorated. Mr. Richmond is working with Kovacs Const. to get a proposal for this work.**
- b) Recent rain event. The plant registered 5.67 inches of rain.**
- c) Mr. Pennell stated that Veolia will be dye testing East Ridge Middle School tomorrow because the smart cover registered high water levels during the rain event.**

6) Possible Executive Session

- a) No Executive Session was held.**

7) Adjournment

Motion to adjourn the meeting at 7:55 p.m. by Mr. Zawacki seconded by Ms. Ketchum, motion passed 4-0.

Submitted by Diana Van Ness