



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

**WPCA Meeting Via ZOOM
September 26, 2024 7:00 p.m.
66 Prospect Street
Ridgefield, Connecticut 06877**

WPCA: Amy Siebert, Gary Zawacki, Corrine Ketchum
WPCA Absent: Maureen Kozlark, Russell Fink
AECOM: Jon Pearson, Matt Formica
Veolia: Ryan Richmond, Jeff Pennell
Guests: Jim McManus

**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. Zawacki made a motion to approve the August 22, 2024 minutes, seconded by Ms. Ketchum, passing 3-0.**
- 2) New Business**
- 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**

Significant work this month by M&O Construction included:

- Continued operation of the pump station to convey flow to the South St WWTF since 8/6/24. No significant issues have occurred so far and M&O Construction continues to address minor items.
- Continued working on final pump station yard items (curbing, grading, guard posts, etc.)

- Emptied the WWTF process tanks of sludges and liquids with assistance from Veolia. Performed partial demolition of the Rotating Biological Contactors
- Began containment set up for the hazardous materials abatement and started abatement work.

In response to the letter that the WPCA had sent to the DEEP to formally terminate the WWTF's NPDES permit now that flow has been diverted, DEEP has provided a letter to formally terminate the WWTF's NPDES permit

Mr. Formica noted that on 8/12/24 M&O formally requested substantial completion on the Pump Station and Force Main. AECOM has reviewed the outstanding items for the force main and the pump station and has developed an incomplete items list (with -approx.200 items) for these areas. In coordination with the Town's counsel, AECOM recommends that these areas be granted substantial completion. As such the substantial completion certificate form has been provided to M&O with the incomplete items list for their execution, and once received, it will be forwarded to the WPCA for execution. This will allow for the 1-year Contractor warranty on these areas to begin and the for the responsibility for operation and maintenance of the pump station and force main to be turned over to the Town.

Mr. Formica discussed that rather than reducing the current retainage held to the value of the incomplete items, AECOM recommends that the retainage for these areas remain at 5% in accordance with the Contract Documents due to:

- The quantity of incomplete items.
- Repeated concerns with rate of project progress and continued schedule slippage.
- The Owner's right to assess liquidates damages in accordance with the Contract Documents if a time extension is not justified and executed in a Change Order.

Following discussion, the WPCA agreed with this recommendation.

Mr. Formica reviewed that M&O's latest schedule from 9/24/24 indicates that they will have the WWTF Demolition complete by 11/1/24. They have also now put a line item in their schedule for project final completion with a date of 12/13/24.

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 to set up and begin the hazardous materials abatement containment this week). The tanks were emptied on 9/2/24.

AECOM has recently sent M&O and their surety follow up correspondence noting that it has been 14 weeks with no response to the schedule concern letter sent to M&O and their surety on 6/18/24 and requesting specific actions that will be taken to address the schedule concerns. M&O Construction has indicated that they will respond to the letter by the end of next week.

Mr. Formica reviewed that this month AECOM had forwarded in advance of this meeting the signed M&O Pay Estimate No. 31 for the WPCA's review and execution for work through 8/31/24. The pay estimate 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 previously discussed and continued schedule slippage, well past the contractual date for substantial completion and final completion, AECOM 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 several months they have refused to address this request. As a result, AECOM has provided a hand markup of Pay Estimate No. 31 to maintain the 5% retainage. The marked up version of progress payment Estimate No. 31 for Route 7 Project for August is in the amount of **\$185,607.58**. Mr. Formica noted that AECOM 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 August, 83% of the construction cost has been expended, and 164% of the contract time has passed.

2. South Street WWTF Upgrade Construction

Construction has continued this month including the following significant items:

- Spectraserv continues to work on the incomplete items list to the extent that they can self-perform outstanding items.
- Continue to work to address HVAC equipment/start up and installation issues.

Mr. Formica noted that on 8/2/24 Spectraserv formally requested substantial completion on the Project. AECOM reviewed the outstanding items the project and developed an incomplete items list (consisting of approx. 2,500 items). In coordination with the Town's counsel AECOM recommends that the following areas be granted substantial completion:

- Influent Pump Stations
- Odor Control Systems
- Waste Sludge Storage Tank
- Thickened Sludge Storage Tank
- Flow Meter Vault
- Final Setting Tank Mixing Vault.

Mr. Formica reviewed that AECOM recommends that the retainage for these areas remain at 5% in accordance with the Contract Documents due to:

- The quantity of incomplete items.
- Concerns with the project roof warranties,
- Concerns with the fiber cement board siding unacceptable fasteners.
- Concerns with provide unimpeded access to Septage haulers with work to be completed on the interior of the Septage Building.

- The Owner's right to assess liquidated damages in accordance with the Contract Documents if a time extension is not justified and executed in a Change Order.

AECOM continues to review the work completed in all areas as requested by Spectraserv.

The substantial completion certificates have been provided to Spectraserv with the incomplete items lists for these areas for their execution. Once signed by Spectraserv, AECOM will forward the certificates to the Town for execution. This will allow for the 1-year Contractor warranty on these areas to begin and the responsibility for the operation and maintenance of items in these areas to be turned over to the Town.

Change Order and PCOs. There is no change order this month.

Wetlands Discussion. Mr. Formica discussed that several Contract Modification Requests (CMR) change order items have been removed 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. The WPCA requested that AECOM contact the Inland Wetlands Board to request that the enhancement plan be removed from the Adopted Resolution Requirements.

AECOM had requested that to be put on the next Available IWB agenda. Due to conflicts with IWB meeting dates and the WPCA meetings, the request is tentatively scheduled to be put on the 11/14/24 IWB agenda.

Pay Estimate. Mr. Formica reviewed that AECOM had forwarded in advance of this meeting Progress Payment Estimate No. 60 for the South St. project for August in the amount of **\$72,020.72** for Spectraserv. AECOM has reviewed it and recommended that it be approved 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. Similar to M&O Construction the payment estimate maintains the 5% contract retainage on completed work. Mr. Formica reviewed that through the end of August, Spectraserv has expended 98% of the project cost, while 159% of the contract time has passed.

Latest schedule. Mr. Formica discussed that Spectraserv's updated Schedule received on 9-6-24 indicated a substantial completion date of 7/31/24 and a final completion on 10/21/14 (10 days later than their last schedule). AECOM does not believe this is achievable and 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.

Mr. Formica noted that Spectraserv continues to complete outstanding items, but there has been a limited presence of subcontractors on site. Horton Electric was onsite approx. 25% of the working days this month, F&F Mechanical (HVAC/Plumbing) was onsite approx. 30% of the working days this month, and Decco Painting was not onsite this month.

Liberty Mutual Schedule Discussions update. The last call/meeting/email exchange with 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.

Possible WPCA Meeting/Tour at the South Street WWTF. Mr. Formica noted that the WPCA had considered scheduling a meeting at the WWTF, or perhaps conducting a tour of the plant prior to a regular meeting. With the changing of the seasons and limited evening daylight, this would need to be done during the daylight hours.

Septage Building. Mr. Formica noted that Spectraserv has completed some of the remaining work in the Septage Building interior to allow it to be used without impeding septage truck traffic. Spectraserv has indicated that the work should be complete by today or tomorrow and have requested a review tomorrow. If the incomplete items left are minimal, AECOM would recommend allowing septage haulers to start coming to dispose of septage but not grant Spectraserv substantial completion on the building until the roof warranty is provided.

Clean Water Fund – Permanent Loan Obligation. AECOM has been continuing to work with Kevin Redmond to provide payment applications to the DEEP for grant and loan reimbursement of costs for both projects and the corresponding grant and loan payments to the Town have continued to be made. As part of the payments on the loan portion the Town continues to incur short term interest on the loan amount borrowed. The interest amount has recently been in the order of \$10,000 a month and will continue to grow somewhat as the project is completed. Given the uncertainty of when both projects will be closed out and final payments/settlement released well after the contract completion dates, Mr. Formica recommended that the Town consider reviewing permanently financing the amended Clean Water Fund loan cost incurred to date to reduce the amount of short-term interest to be accrued in the future. The WPCA agreed with the recommendation and AECOM was requested to reach out the Kevin Redmond on the WPCA's behalf to discuss this suggestion.

3. Quail Ridge Pump Station Relocation Design

- a. Mr. Formica discussed that efforts to provide the update needed of the 90% design for the force main and the pump station, specifically to address the using of the WWTF SCADA system for PS alarm and monitoring and provide the needed fiber optic cables between the station and the WWTF, are ongoing. AECOM is also working on the permitting requirements for the project specifically those required with the Inland Wetlands Board in light of what was required for the permitting for the Route 7 project.

4. Veolia

- a. Mr. Pennell stated they passed the current DMR/QA testing which they have to do every year for CT DEEP and the EPA, it allows Veolia to perform lab testing at the facility.
- b. The rebuilt spare pumps for the Ramapoo Road PS and the Fox Hill PS were returned and are available for use.

- c. Craig Motasky from CT DEEP came to inspect the South Street facility upgrade since he hadn't been at the plant due to ongoing construction.
- d. Veolia staff involved in the development of the computerized maintenance management system (CMMS) for the upgraded WWTF will be onsite at the WWTF next week.

5. Possible Executive Session

- a. **No Executive Session was held.**

6. Adjournment

Motion to adjourn the meeting at 7:27 p.m. by Ms. Ketchum seconded by Mr. Zawacki, motion passed 3-0.

Submitted by Diana Van Ness