



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

**WPCA Meeting Via ZOOM
November 21, 2024 7:00 p.m.
66 Prospect Street
Ridgefield, Connecticut 06877**

WPCA: Amy Siebert, Gary Zawacki, Corrine Ketchum, Maureen Kozlark
Absent: Russell Fink
AECOM: Matt Formica
Veolia: Ryan Richmond, David Connors
Guests: Annie F.

**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.** Ms. Ketchum made a motion to approve the October 24, 2024 minutes, seconded by Mr. Zawacki, passing 4-0.
- 2) New Business**
 - a) 2025 WPCA Calendar
 - i) **Motion to approve the 2025 calendar by Ms. Ketchum, seconded by Mr. Zawacki, passing 4-0.**
 - b) 62 East Ridge and 58 Prospect Ridge adding four new single family dwellings. Planning and Zoning denied the project at their recent meeting. WPCA will revisit after approval by Planning and Zoning.
- 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

Mr. Formica reviewed the significant work this month by M&O Construction included:

- Addressed some of the items of the incomplete items list at the pump station.
- Completed the final grading and seeding at the WWTF
- Removed the hazardous materials from the site for final disposal

Mr. Formica noted that M&O had requested substantial completion of the WWTF Decommissioning earlier this month. As such the substantial completion certificate form with a 10/25/24 date was provided to M&O with the incomplete items list for their execution. This certificate and the substantial completion certificate on the Pump Station were returned by M&O yesterday and have been forwarded to the WPCA for final execution. This starts the 1-year warranty on the WWTF decommissioning.

Mr. Formica indicated that M&O has not formally provided a schedule update, but they indicated in today's progress meeting that they anticipate final completion of their contract by the 2nd week of December. Mr. Formica reminded the WPCA that AECOM provided a response to M&O's 10/3/24 583 calendar day time extension request, indicating that M&O needs to complete the project so that the financial impact on the Town can be fully understood and indicated that the Town would be willing to meet with M&O to discuss an overall resolution of the project including the amount of liquidated damages.

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. Submittals for the pump station and WWTF remain outstanding and there has been infrequent work onsite to address the incomplete items at the Pump Station.

It was noted that there are still approximately 80 plus items on the incomplete items lists. AECOM does not believe that M&O will have the project finally completed by the 2nd week of December.

Mr. Formica reviewed the signed M&O Pay Estimate No. 33 submitted for the WPCA's review and execution for work through 10/31/24. He noted 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 project be reduced to 2%. Given the repeated concerns with project progress and schedule slippage, well past the contractual date for substantial completion and final completion, AECOM has requested M&O maintain the retainage at 5%. Similar to the last several months they have refused to address this request. As a result a hand markup of Pay Estimate No. 33 has been provided to maintain the 5% retainage. The marked up version of progress payment Estimate No. 33 for Route 7 Project for October is in the amount of \$331,072.58. Mr. Formica confirmed that AECOM has 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.

Mr. Formica reviewed that through the end of October, 94% of the construction cost has been expended, and 169% of the contract time has passed, but clarified that the project expenditures are further along than indicated as several unit price bid items need to be resolved via a balancing change order which is expected to be a credit to the project on the order of \$350,000.

Mr. Formica indicated that AECOM wanted to bring up the correspondence last month from the property manager of 901 Ethan Allen Highway regarding the three sided privacy fence at the pump station. It was noted that during preliminary design AECOM had discussed the need for a fence around the new Route 7 Pump-Station with Veolia and others and it was determined no fence was required. This is similar to the old Route 7 Pump Station that had no fence and was also due to the small size of the site and the need for truck access to the wet well and dry wet for regular maintenance including the removal of the pumps and vacuum truck cleaning of accumulated fats, oils, and grease (FOG) and grit. The three sided privacy fence was added based on input from the Architectural Advisory Committee (along with the berm and plantings along Route 7) to soften and screen the appearance of the pump station equipment from the highway. Due to the tight site and limited access to the pump station structures, the fourth side was left open for truck access for maintenance. The revised plans showing the three sided privacy fence were shared with the adjacent land owners during the easement acquisition process, and the three sided fence was explicitly noted in the 901 Ethan Allen Highway Easement Agreement document itself including its color as requested by the 901 property owner as the north side abutted their property.

As it relates to the site security concerns of the 901 Ethan Allen property owner, all components at the station are lockable. It was noted that a fourth side of a fence could be added which would be located in the easement to the west of 901 Ethan Allen Highway, but would limit access for maintenance for Veolia, would be an additional project cost, and may extend the completion of the project. This fourth side would require several gates for access to the generator, fuel tank, and wet well.

The contract site plan showing the three sided fence, the need areas of access and site limitations was shared. AECOM noted that options that could be considered included:

1. Providing the 4th side of the fence with several gates
2. Providing plantings to help screen the pump station (would need to be located far enough from the pump station gravel pavers to allow vehicular access).
3. Leave the three sided fence as designed and previously agreed to by all parties.

After some discussion of the options from the WPCA members, it was requested the Mr. Formica and Ms. VanNess discuss the history and reason for the three-sided fence with the 901 Ethan Allen Property manager and advise him that the 901 Ethan Allen is welcome to provide their own plantings outside of the permanent easement as had been discussed during the design phase.

2. South Street WWTF Upgrade Construction

Mr. Formica reviewed that 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 and with some activity from their subcontractors
- Have almost completed the siding fastener replacement at the Operations Building and Influent Building

- Have continued to demobilize and begun the process to plan to remove the construction trailers.

Mr. Formica noted that last month Spectraserv revised their substantial completion request on the project to change the date to 8/15/24 and requested partial utilization on several process system that have been in operation for some time (up to 2 years) that were not previously requested per the contract requirements. AECOM provided a response to this letter

In coordination with the Town's counsel AECOM recommended that the following areas be granted substantial completion:

- Septage Building
- Control Chemical Building
- Blower Building and Garage
- UV Building
- Electrical Building

The buildings/areas that were not recommended for Substantial Completion where the Influent Building and Operations Building due to the unresolved issues with the roofs and building siding. On the partial utilization requests, several systems were covered by the substantial completion of the buildings noted previously and several were recommended to be granted substantial completion inside the Operations and Influent Building including:

- Influent screening and grit systems
- RAS Pumping system
- REC pumping system
- Truck loading system
- Centrifuge system
- Belt Filter Press system
- Nexom Filter System

As such the per the contract requirements substantial completion certificates have been provided to Spectraserv with the incomplete items lists for these areas and systems for their execution. Upon receipt AECOM will review and provide to the WPCA for signature.

This starts the 1-year Contractor warranty on these areas/systems and the responsibility for the operation and maintenance of items in these areas to be turned over to the Town. It was noted that AECOM had provided Veolia with a summary of the warranty start dates for their use.

Mr. Formica noted 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.

- 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.

Mr. Formica noted that there are still approximately 650 of the previously identified incomplete items on the project as of the end of last week.

Change Order and PCOs. .

Mr. Formica presented Change Order No. 20 for \$19,823.77 for the following:

- Item 1. 60-AHU-2 Starter (PCO-130) Cost: \$ 4,107.80
- Item 2. Additional First Aid Kits (PCO-140) Cost: \$860.00
- Item 3. WIN911 Text Functionality – Conduit and Cable (PCO-146-2) Cost: \$10,305.75
- Item 4. Mowing Strip Additions (PCO-165) Cost: \$8,490.45
- Item 5. Filter Room Channel Cleaning (PCO)-171) Cost: \$4,920.42
- Item 6. Temporary Electric Heater Power Contractor Reimbursement Cost: (\$8,860.65)

It was noted that through Change Order No. 20 the total change orders to date are \$1,140,865.22 representing 3.0% of the original construction bid amount.

Motion to approve Changer Order No. 20 by Ms. Kozlark, seconded by Ms. Ketchum, passing 4-0.

Wetlands Discussion. Mr. Formica discussed that project was tentatively scheduled to be on the 11/14/24 Inland Wetland Board agenda to request that the wetlands enhancement plan, that was part of the requirements from the Inland Wetlands Board Adopted Resolution of Approval for the project, be removed as a requirement. Mr. Formica reported that we were recently notified that we are pushed out until the December 12th IWB meeting due to a busy 11/14/24 IWB agenda.

Pay Estimate. Mr. Formica reviewed that AECOM had forwarded in advance of this meeting Progress Payment Estimate No. 62 for the South St. project for October in the amount of **\$85,921.46** 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 September, Spectraserv has expended approximately 98.5% of the project cost, while 164% of the contract time has passed.

Latest schedule. Mr. Formica discussed that Spectraserv' last formal schedule was provided on 9/6/24 and that they have not provided a formal monthly contract required schedule since then. However, Spectraserv provided a verbal update at today's progress meeting indicating that they believe that they will have all of the project work both physical and paperwork completed by December 13th. It was noted that this is approximately 3 weeks away with a holiday in the middle.

Mr. Formica indicated that AECOM noted in today's progress meeting that they do not believe that Spectraserv will be able to meet this schedule given their repeated inability to have their subcontractors return to the site and the amount of outstanding work. Examples include Horton electrical was on site 50% of the time last month generally with one employee, F&F (HVAC & Plbg) was on site approximately 50% of the time, and other subcontractors only a few days (GCS, Painter, insulator). The exception this month was Tactical who was onsite most of the month to remove and reinstall the fiber cement siding. It was also noted that in addition to the 650 incomplete items previously noted that there are still many dozens of items that were identified in 2022 that remain incomplete.

Clean Water Fund – Permanent Loan Obligation. As noted last month, Mr. Formica indicated that AECOM had reached out to Kevin Redmond to discuss permanently financing the current loan amount given the uncertainty of when the projects would be closed out. . Per discussions with Mr. Redmond, he suggested that we take no action at this time as it is unclear to him if the cost and effort to amend and permanently finance the CWF agreement would be worth the savings since the temporary debt and permanent debt interest rates are similar. He suggested that we touch base again in a few months on the project status.

AECOM Budget Amendment. Mr. Formica discussed that AECOM's last contract amendment for engineering services was approved by the WPCA in July 2024 and included a budget adjustment to provide services through the projected construction completion for both contracts at that time which was through November 2024. As noted previously AECOM does not believe that Spectraserv or M&O will achieve final completion by the middle of December. With the anticipated extended construction schedule for both the Route 7 project and the South Street project, AECOM will be providing engineering services for a longer period than the current budget was planned to cover. In addition, it is unclear at this time what services AECOM would need to provide to support any negotiations, resolution discussions, or possible litigation to close out the two projects. Mr. Formica indicated that AECOM is reviewing the project budget status in light of the extended construction durations as well as the potential needs for efforts to support the project closure negotiation/legal efforts and will be prepared to discuss a budget adjustment at the next WPCA meeting.

3. Quail Ridge Pump Station Relocation Design

Mr. Formica discussed that AECOM continued to update the 90% design documents to provide the update needed to the force main and the pump station. AECOM received some input from Veolia on the marked up set of the drawings we had provided to them. These updates and others are with our various design disciplines and are being updated

Mr. Formica also noted that AECOM is in the process of trying to contact Jake Muller to discuss the Town's request to include walking path along the cross country gravity sewer between the new pump station and the Quail Ridge Condominium and to address questions of the termination points of the path and how the Town would like to address allowing the public to travel on a section of the path that would be in a sewer easement on property not owned by the Town.

4. DEEP Clean Water Fund FY26-27 Call for Projects.

Mr. Formica reported that this week, DEEP issued a call for projects that could be considered for funding by the Clean Water Fund in Fiscal Year 2026-2027. Submittals of Project Request Forms are due to DEEP by January 17, 2025. He indicated that if the WPCA concurs, AECOM will prepare forms for the Quail Ridge PS Relocation Project and the Ramapoo PS Upgrade project that are currently in the WPCA's rate model. The WPCA agreed and confirmed that there were no other projects that they wanted to be considered at this time.

5. Veolia Report

- a. Mr. Richmond stated that the annual collection system cleaning was completed for 2024 and presented the October Operations and Maintenance Report.

6. Possible Executive Session

- a. **An Executive Session was not held.**

7. Adjournment

Motion to adjourn the meeting at 8:00 p.m. by Ms. Kozlark seconded by Ms. Ketchum, passing 4-0.

Submitted by Diana Van Ness