



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

**WPCA Meeting Via ZOOM
February 27, 2025 7:00 p.m.
66 Prospect Street
Ridgefield, Connecticut 06877**

WPCA: Amy Siebert, Gary Zawacki, Corrine Ketchum,
Maureen Kozlark arrived at 7:10
Absent: Russell Fink
AECOM: Matt Formica, Jon Pearson
Veolia: Jeff Pennell, Ryan Richmond
Attendee: 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 January 30, 2024 minutes, seconded by Mr. Zawacki, passing 3-0. Ms. Kozlark arrived after the vote.

2) New Business

a) Date for possible tour of South Street

i) The WPCA discussed meeting at the South Street facility on March 22, 2025 at 1:00 p.m.

3) Old Business

4) AECOM Report

1. Route 7 PS, FM, and WWTF Decommissioning

a. Construction Update. Mr. Formica reviewed that M&O Construction addressed approximately one third of the incomplete items (punch) list at the pump station in the last month with approximately 44 items remaining.

Mr. Formica noted 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 remain outstanding and there has infrequent work onsite to address the incomplete items at the Pump Station. As discussed before AECOM has not generated a valued punch list as the retainage for the project remains at 5% in accordance with the Contract Documents

- b. **M&O WPCA Meeting.** Mr. Formica noted that there was no regular project progress meeting with M&O in February. However, as a follow up to the 1/24/25 in person meeting with Maureen, Amy, himself, Jon and Diana, and M&O, the same group meet again with M&O yesterday to discuss the completion of the project. Items discussed included:
- M&O not meeting the mid-February contract completion date that they had projected at the /24/25 meeting.
 - The remaining items on the incomplete items list.
 - Limited appearance of efforts by M&O to push their suppliers and subcontractors to complete the work in response to their repeated indications that they are doing everything they can
 - M&O's inability to provide a schedule for completing the work citing the inability to get the attention of their subcontractors/suppliers.
 - Highlighted the ongoing financial and reputational impacts to the Town and WPCA that have resulted from the delayed completion
 - M&O's potential exposure to additional liquidated damages.
 - The need to have the work completed shortly or that the Town's legal counsel will likely become involved with M&O's surety.

A follow up letter to M&O is being prepared indicating that the Town is in the process of providing background and documents to the Town's Legal Counsel on the project history and will seek advice from Counsel on the next steps the WPCA should consider to bring the project to closure if the ongoing efforts by M&O to do so are not successful.

- c. **Change Orders and Pay Estimate.** There was no change order to discuss this month. Also, M&O had not provided a pay estimate since the last one which was for work through the end of November.

2. South Street WWTF Upgrade Construction

- a. **Construction Update.** Mr. Formica noted that Construction has continued this month including the following 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. The number of incomplete items is approximately 100.
- b. **Substantial Completion.** Mr. Formica noted that, the project was recommended for substantial completion with a date of 12/30/24. This date was established based on the roofing subcontractor's and Spectraserv's acknowledgement that additional efforts would be

required to assess the roofs that leaked in December 2023, that there was wet insulation discovered in several roof cores taken 12/3/24, and that they have as of 12/30/24 provided an acceptable plan to assess the extent of the unacceptable roof material and a plan for replacement that would allow the manufacturer to honor the 30-year warranty.

As such a substantial completion certificate for the project was provided to Spectraserv together with the required project incomplete items lists for the project for their execution. Spectraserv has recently returned these certificates signed with mark ups added. AECOM is on the process of providing our own mark ups and will provide these to the WPCA for signature shortly.

This certificate starts the 1-year Contractor warranty on the entire project for areas not previously granted substantial completion and the WPCA assumes responsibility for the operation and maintenance of all project items that are complete.

Mr. Formica noted that the contract retainage on the areas other than the generator, settling tanks and aeration tanks which have valued punch lists has remained at 5% in accordance with the Contract Documents due to:

- The inability of Spectraserv to complete the work and the continued schedule slippage.
- Concerns with the project roof warranties
- 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.

- c. **Pay Estimate.** Mr. Formica reported that there has not been a pay estimate agreed upon by Spectraserv and AECOM since Pay Estimate 63 for work through November. AECOM had provided comments on Spectraserv's draft Pay Estimate 64 for work through December. These comments not yet been agreed to or responded to by Spectraserv. Spectraserv noted today that they do intend to respond to AECOM's comments.

The pay estimate once finalized 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 and that we will continue to hold 5% contract retainage on completed work due to the continues schedule slippage.

Mr. Formica reported that thought the end of January, Spectraserv has expended approximately 98.5% of the contract value while 172% of the contract time has passed.

- d. **Change Orders** Mr. Formica presented Change Order No. 22 which contained 16 items for a total credit of (\$201,693.10). With CO 22 the total change orders to date are \$950,199.81 representing 2.5% of the original construction bid amount.

Motion to approve Change Order No. 22 for a total sum credit of (201,693.10) subject to DEEP approval by Ms. Ketchum, seconded by Mr. Zawacki passing 4-0.

- e. **Schedule Update.** Mr. Formica discussed that Spectraserv's provided an updated project schedule to complete the work yesterday. This schedule indicates that all project work will

be completed by 3/28/25 with the exception of a handrail that needs to be added to the Chemical Building which is indicated to be completed by 5/16/25. Spectraserv has advanced some documents and work in the field, but several significant items remain including completion of roof repairs to address previously identified leaks from 2023, HVAC system testing and balancing, and plant water system items.

Mr. Formica noted that AECOM again has noted concerns with Spectraserv's ability to have their subcontractors and suppliers return to the site. They have indicated that they are pushing their subcontractors and suppliers as much as possible. AECOM reiterated our request to provide any letters that Spectraserv's attorney has provided to their subcontractors and suppliers to support their statements, and none have been provided to date.

Mr. Formica reported that given the status of the project, AECOM in conjunction with the Town's Legal Counsel and the WPCA subgroup of Amy and Maureen, have sent Spectraserv's Surety (Liberty Mutual) a letter dated 2/11/25 indicating that if all of the work in the project was not complete by 3/15/25 that the WPCA and Town intended to declare Spectraserv in default and have Liberty Mutual assume responsibility for the completion of the work in accordance with their Performance Bond. No response has been received to date.

Board of Finance Meeting Request. Mr. Formica and Ms. Siebert reminded the WPCA that the Board of Finance had requested a budget status update on the two projects in light of some potential inaccuracies related to the project being discussed by Town Constituents. Tuesday 3/18 has been established as the date to make this presentation. AECOM will prepare the financial summary for review with the Board of Finance as well as a public facing summary of the project status to help address some of the reported inaccuracies related to the project. It was suggested that Monte Frank be contacted to determine if he was available as he had attended the previous meeting.

3. Quail Ridge Pump Station Relocation Design

Mr. Formica discussed that AECOM continued efforts on the design this month as follows:

- a. AECOM continues to advance the 100% design to provide the update needed to the force main and the pump station.
- b. Mr. Formica noted that he and Ms. Siebert had a Teams call with Jake Muller to discuss the WPCA's intent, as discussed last month, to only provide the walking path in the sewer easement and that it will not be contiguous and not be carried across the three wetland areas along the gravity sewer corridor. It would also not connect to Sunset Lane due to the additional wetlands in the area and the lack of wetlands flagging and survey in the area as it is well outside of the sewer easement. Mr. Muller was generally agreeable with the approach but wanted to review with the First Selectperson. Mr. Muller also requested that AECOM provide him with a proposal from a surveyor to provide the topographic and surface element information in the sewer easement to Sunset Lane.
- a. Mr. Formica and Ms. Siebert also reviewed the preliminary traffic management plan with Mr. Muller who agreed with the concept but wanted to get the input of the other Town

departments. Mr. Muller indicated that he would request a Teams call with the stakeholders to review and provide comments.

- c. **Clean Water Fund Grant/Loan.** Mr. Formica reported that Kevin Redmond, Rudy Marconi, Amy, AECOM and Pullman and Comley met this week to discuss how to handle the pending April 2025 closure and permanent financing date for the current CWF Grant and Loan given the undefined finalization status of the two projects and the potential to accrue additional interest into the future. Unofficially, the Town plans to enter a permanent loan obligation for the project costs expended since the last PLO in the Fall of 2023. AECOM will support the submission of the required state required documentation in the next week.
- 4. **February 28, 2025 Planning and Zoning Meeting.** Mr. Formica noted that, based on an agenda of a special P&Z meeting Tuesday night that was passed along to AECOM by Diana and Alice Dew, AECOM remotely we attended an information session on some packaged wastewater treatment facilities with subsequent subsurface discharges that may be associated with a potential future 500+ acre parcel development on Branchville Road by Stefano Zandri and/or others. The presentation was informational about the technologies but did note that a project like this in the future would need to be reviewed by the WPCA to get the WPCA's input including the development of a maintenance set aside fund, to allow the WPCA to take over the facility and have fund to operate it should the original Owner and operator not be able meet permit and/or operate the facility and the WPCA would need to step in which was noted as a DEEP requirement. Mr. Formica indicated that he and Mr. Pearson were not familiar with that requirement. Mr. Formica noted that not sure where this property is and if or how it may relate to the area to be studied in the Western CT Council of Governments Branchville- Georgetown sewer feasibility study which if the WPCA was unaware was recently awarded to Tighe and Bond.
- a. **High Ridge Road and Other Town Requests.** Finally, Mr. Formica reported that AECOM was recently contacted by the First Selectperson regarding some questions about the sewer on High Ridge Road related to past use of a property as a dry cleaning business. We provided responses to his questions with the help of Diana, Jeff and Ryan. It is not clear if there will be additional questions/requests on this item. AECOM is happy to help on short notice but we just want to be conscious of these requests as well as others, for example Mr. Muller's request for a survey proposal for area for the walking path outside of the sewer easement, in light of the budget concerns on the projects. If there are additional efforts needed, we would suggest we develop an advice type account to track and address the related costs for such requests. We will update you if there is a need for this effort

5) **Veolia Report**

Mr. Pennell discussed the South Street permit for the month of January. He also stated that H.O. Penn replaced the batteries in the new emergency generator while they were performing preventative maintenance on the generator. Both blowers for the new sand filters were serviced, and aeration blowers # 2 and #4 had their oil replaced.

6) **Possible Executive Session**

a) **No Executive Session**

7) **Adjournment**

Motion to adjourn the meeting at 7:58 p.m. by Ms. Kozlark seconded by Mr. Zawacki passing 4-0.

Submitted by Diana Van Ness