



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

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

WPCA: Gary Zawacki, Corrine Ketchum, Maureen Kozlark
Amy Siebert arrived at 7:15,
Absent: Russell Fink
AECOM: Matt Formica, Gisele Trivino
Veolia: 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 Mr. Zawacki at 7:13 p.m.

1) Approval of Minutes. Ms. Ketchum made a motion to approve the February 27, 2025 minutes, seconded by Ms. Kozlark, passing 3-0. Ms. Siebert arrived after the vote.

2) New Business - None

3) Old Business

- a) The WPCA discussed meeting at the South Street WWTF on March 22, 2025 at 1:00 p.m.**
- b) Ms. Kozlark reported that the Vector Truck contribution from the WPCA was recently made.**

4) AECOM Report

1. Route 7 PS, FM, and WWTF Decommissioning

- a. Construction Update.** Mr. Formica reviewed that M&O Construction has addressed almost all of the incomplete items (punch) list at the pump station in the last month with approximately 10 items remaining.

- b. **M&O WPCA Meeting.** Mr. Formica reported that since 1/24/25 AECOM and the WPCA subgroup have been meeting with M&O approximately once a month to discuss M&O's progress and the project's closure and financial resolutions. As noted last month, a follow up letter was prepared and submitted to M&O 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 to bring this project to closure if the ongoing efforts by M&O to do so are not successful. It is believed that these meetings and letters have resulted in what have been noticeable increases in efforts by M&O on the project to complete the work.

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.

There was again no regular project progress meeting with M&O this month. Mr. Formica reported that Maureen, Amy, Jon, and himself again met with representatives from M&O today to discuss the completion of the project. Items discussed included:

- The few remaining items on the incomplete items list.
- 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.
- How M&O plans to resolve/close out the contract in light of the fact that they are well beyond the contract time for completion based on their actions and inactions, the Town has accrued additional costs, and the Town can by contract impose liquidated damages to recover costs.

AECOM summarized the contractual and actual completion dates and additional costs incurred. M&O's general position was that they disagreed with the dates and numbers presented by AECOM and they wanted further discussion with the Town alone to resolve the project. M&O also noted that they have been damaged and that that needs to be taken into consideration in any resolution discussions. The subgroup noted that it is unclear which dates and numbers that M&O disagreed with and that those disagreements should be presented formally before meeting with the Town. M&O requested further information on the costs incurred by the Town. It was also noted that M&O's claimed extras cost should be documented in advance of any meeting so they can be understood. M&O indicated that they would be able to provide that information by April 10th.

- c. **Change Orders and Pay Estimates.** Mr. Formica indicated that there is no change order to discuss this evening, and no monthly pay estimate has yet been provided by M&O since the last one which was 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. Several dozen incomplete items remain.

- b. **Substantial Completion.** Mr. Formica noted that, the substantial completion certificate for the project was executed by all parties last month with a substantial completion date of 12/30/24. This started 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 quantity of incomplete items and the pace at which they are being addressed.
- 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.

- c. **Pay Estimate and Change Orders.** Mr. Formica indicated that there is no change order to discuss this evening, and no monthly pay estimate has yet been provided by Spectraserv this month. The last finalized pay estimate was for work through the end of November.
- d. **Board of Finance Meeting.** Mr. Formica noted that the WPCA was requested to attend the Board of Finance's 3/18/25 meeting to report on the financial status of the two projects. A brief presentation of the status of both projects was provided with a constructive discussion with the BOF and WPCA thereafter. Mr. Formica indicated that the WPCA at times did decline to provide specific details in response to some of the BOF questions at the direction of the Town's legal counsel due to the nature of the questions and the potential impact on future settlement of the two projects. The WPCA had offered to have those discussions in future executive session, but the BOF has chosen not to do so in the near term and suggested a follow up presentation in the future perhaps late summer. As a follow up AECOM and the WPCA had developed a several page summary document on the project cost to date. AECOM reminded the WPCA that there was consideration to posting the information provide to the BOF on the WPCA or Town website if desired to help address some of the reported inaccuracies related to the project. The WPCA agreed that it should be posted. Mr. Formica indicated that he would provide the document text to Ms. Van Ness for posting.
- e. **Meeting with Liberty Mutual.** Mr. Formica reported that in the past months several letters were exchanged between AECOM and Liberty Mutual indicating that the WPCA was considering declaring Spectraserv in default and with a recent request that a meeting be held between the Liberty Mutual and the WPCA to discuss what actions Liberty Mutual was taking to help Spectraserv complete the work. That call was held on 3/24/25 with Amy, Maureen, Monte, Jon, himself and Gisele to discuss. A summary of the project status was given, including Liberty Mutual's actions and a request of what they would do if Spectraserv was or was not declared in default.

Liberty Mutual noted that the most recent schedule, which they had reviewed with Spectraserv, indicated that all items with the exception of the Septage Building handrail

would be completed by 4/25/25. This schedule has not been formally submitted. Liberty Mutual indicated that they thought the best course of action to minimize the project time of completion would be to allow Spectraserv to finish. It was acknowledged with the recent correspondence that there was a noticeable increase in the actions of Spectraserv and their subcontractors.

Liberty Mutual indicated that based on their role on the project that they cannot direct Spectraserv as it relates to the work but can only monitor and provide office resources. Liberty Mutual indicated that they are working hard to help Spectraserv to extent allowed. They noted that if Spectraserv was not declared in default that they would continue to monitor and serve as a resource.

If they were declared in default, they noted that they would do an investigation, which they acknowledged would be short given JS Held's multiple year participation on the project, and then they would pursue one of the 4 or 5 avenues allowed by the terms of the performance bond but could not commit to a path at this time.

The result of the call was to have the same group meet again in two weeks to discuss:

- Spectraserv's progress.
- Liberty Mutual's advice, actions, or recommendations provided to Spectraserv in the next two weeks to help them finish
- Liberty Mutual's preliminary actions or indications that Liberty Mutual has a plan going forward should the Town declare Spectraserv in default so that action can be taken by Liberty Mutual soon after the default declaration.

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. Mr. Formica noted that he and Amy had a call with Planning and Zoning to discuss the various steps, application process and meetings that are required for the project permits. AECOM has begun to advance the permitting application efforts.
- b. Mr. Formica also noted that with help from Jake Muller, we also received input from the school bus company that all of the sewer and force main work on Old Quarry Road and South Street should be provided during non-school hours so night work will be required.

5) Veolia Report

Mr. Richmond discussed the Veolia monthly client report including maintenance performed, facilities call outs, and compliance with the South Street WWTF permit. Mr. Richmond also reported that Veolia had investigated to pavement settlement issues at 39 Rockville Road that the owner suspected may be due to a sewer collapse or piping issue. Veolia indicated that they responded by videoing the sewer line in the area and determined the line was clean, in good condition, and was not the source of the pavement issue.

- 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