



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

**WPCA Meeting Via ZOOM
January 25, 2024 7:00 p.m.
66 Prospect Street
Ridgefield, Connecticut 06877**

WPCA: Amy Siebert, Maureen Kozlark, Gary Zawacki, Corrine Ketchum
AECOM: Jon Pearson, Matt Formica, Gisele Trivino
Veolia: Jeff Pennell, Ryan Richmond, David Connors
632 Danbury Rd: Junio Filgueira

**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) New Business

a) Approval of Minutes

- i) Motion to approve December 14, 2023 minutes by Mr. Zawacki seconded by Ms. Ketchum, passing 4-0.

b) 632 Danbury Road, Brick House Pizza

- i) Ms. Siebert stated that the pergola in the back of the restaurant was enclosed to be a permanent fixture of the facility without the required permits. Mr. Filgueira was directed by the Building Department to apply for an After the Fact Building Permit for the enclosure and obtain the required permits/approvals from the appropriate Town departments. Once these are obtained the additional sewer use units from the WPCA can be advanced.
- ii) The WPCA stated that the Route 7 sewer plant will be decommissioned once the Force Main and the new Pump Station is completed. The Route 7 Pump Station will discharge flow to the South Street WWTF and the

allocation approach of sewer units in the current Sewer District No. 2 will then be the same as current South Street WWTF Sewer District No. 1.

- iii) Mr. Pennel and Ms. Van Ness will visit the restaurant in the near future to measure the seating area and calculate the additional sewer units.

c) David Connors Introduction

- i) Ms. Siebert introduced Mr. David Connors, Veolia Regional VP who has replaced Mr. Jason O'Brien.

2) Old Business

a) Purchase of New Vector Truck

- i) Ms. Van Ness stated that Dave Buccitti, Highway Department, requested the WPCA help pay a percentage of the new Vector Truck. In the past, the WPCA paid for half of the purchase price and half of the maintenance cost. The WPCA discussed the request and decided they would offer to pay 10% of the purchase cost due to the limited use of the truck by the WPCA. Ms. Van Ness will discuss the arrangement with Mr. Buccitti.

b) Route 7 Sewer Allocation

- i) The WPCA previously discussed the proposed future Route 7 sewer use allocations with all of the District No. 2 flow being conveyed to the South Street WWTF. It was recommend that Sewer Districts No. 1 and No. 2 be combined into a single district using sewer use unit allocations similar to that used in District No. 1. The flow to Sewer District 2 cannot exceed the capacity of the new Route 7 Pump Station.

c) Sale of Route 7 Treatment Plant Property.

- i) Nothing to report.

3) AECOM

a) Route 7 Pump Station, Force Main, and WWTF Decommissioning Construction

- i) Mr. Formica noted that the monthly construction progress meeting was held today with Ms. Van Ness, Mr. Zawacki, Ms. Kozlark, Mr. Pennell and Mr. Richmond attending. This month, M&O Construction has been working on the pump station bypass and plans to work overnight tonight to rebuild/reconfigure the manhole upstream of the existing pump station that conveys the majority of the Sewer District No. 2 flow. Once this is completed the bypass pumping system will be started up and after a trial operation period the existing Pump Station will be demolished. Some minor work on the force main close out items was performed last month. Remaining

items to complete the force main are planned to be addressed once the pump station is bypassed.

- ii) Mr. Formica noted that M&O submitted a summary schedule in early January that shows the pump station schedule no longer being affected by delays in obtaining key components but now being controlled by start of the pump station bypass and the related outstanding submittals. M&O has pushed the schedule out another 2-3 weeks. The updated schedule shows completion of the force main installation and testing in late January, the startup of the new pump station in mid May, and final project completion in late July 2024. AECOM noted that they believe it will be late August 2024. 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.
- iii) Mr. Formica noted the last few months, M&O Construction had submitted a request for a time extension with some supporting information, requesting that the current contract final completion date of August 11, 2023 be revised to June 11, 2024 in light of the delays experienced in obtaining the pump station components. AECOM reviewed the information submitted and provided a response requesting additional supporting information to justify the requested time extension. M&O had provided a draft follow up letter and asked that AECOM review it informally and either provide informal comments or have a call to discuss if the information submitted was what was needed to justify some or all of their requested time. AECOM will review in the near future and provide feedback to M&O on what additional information may be needed to support the requested time extension and advise the WPCA.
- iv) Mr. Formica noted that Progress Payment No. 23 for the Route 7 project for December was submitted in the amount of \$107,564.47 for M&O Construction. AECOM has reviewed it and recommends that it be approved for payment. The hard copies of the payment estimate have been submitted to Ms. Van Ness for execution. Mr. Formica discussed that since both the contractual date for substantial completion (1-11-23) of the force main and pump station, and for final project completion (8-11-23) have now passed, the progress payment form includes the caveat that since the contract completion 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. Mr. Formica summarized that through the end of December, 66% of the construction cost has been expended, and 123% of the contract time has passed.
- v) AECOM noted that they are continuing to work with Kevin Redmond and Lee Rogers to advance the first Route 7 CWF Payment Reimbursement. AECOM continues to provide Lee with support information that he has requested so that he may advance a first draft.
- vi) AECOM noted that in early January, the DEEP released the draft CWF priority List for FY 24 and 25. The Route 7 project is listed as fundable with the amount of \$10 million in accordance with the Amendment to the CWF agreement between the Town and the DEEP that was signed last September. DEEP is holding a public hearing to take comment on the draft priority list on February 7, 2024. AECOM recommended that the WPCA submit a letter of support for the inclusion of the Route 7 project prior

to the hearing and noted that they will draft a letter for submittal by the WPCA to the DEEP.

b) South Street WWTF Upgrade Construction

- i) Mr. Formica noted that the monthly construction progress meeting was held today with Ms. Van Ness, Mr. Zawacki, Ms. Kozlark, Mr. Pennell and Mr. Richmond attending. Mr. Formica reviewed the major activities completed since the November WPCA meeting which included:
 - (a) The new sludge thickening/dewatering centrifuge was started up and tested by the manufacturer.
 - (b) The last process pump (BFP pump) on the project was installed.
 - (c) The temporary TSL Tank was taken out of service and the new thickened sludge storage tank was put into service.

- ii) Mr. Formica noted that Spectraserv recently submitted a request for Substantial Completion for Aeration Tank No. 2. AECOM had performed an inspection of the work, agreed that the Tank is substantially complete, and developed a valued preliminary punch list of outstanding items to be completed. Spectraserv had some comments on AECOM's preliminary punch list. The punch list was updated by AECOM and we are waiting for Spectraserv to execute the Substantial Completion Certificate that will formally confirm that substantial completion of this tank has been achieved, together with the valued punch list. This certificate will be executed by AECOM, the WPCA as the Owner, and Spectraserv. As noted before the significance of this document is that it starts the one-year warranty on this item, the operation and maintenance of this of this item becomes the responsibility of the Town and the contract retainage on this item is reduced to the punch list value.

- iii) Mr. Formica noted that there is no proposed construction Change Order this month. Mr. Formica noted the total change orders to date are \$1,055,141.05 representing 2.8% of the original construction cost.

- iv) Mr. Formica noted that Progress Payment No. 52 for Spectraserv that covers the month of December in the amount of \$268,557.58 has been submitted and AECOM recommends it be approved. The progress payment form includes the caveat that since the contract substantial completion (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. Mr. Formica reviewed that through the end of December Spectraserv has expended 95% of the project cost, while 138% of the contract time has passed. Mr. Formica noted that that Spectraserv had proved another updated cash flow projection late December. The December monthly expenditures exceed this new cash flow projection. However, Spectraserv's average monthly expenditure rate for the last 6 months has dropped from \$356K to about \$325K. In order to meet the projected 5/2/24 final completion date shown in their latest schedule, going forward Spectraserv would need to expend \$532K per month (not including retainage) which they have not achieved in the last six-monthly

pay estimates. AECOM noted that their projected completion date based on the Spectraserv's historical 6 month expenditure rate is now mid July 2024.

- v) Mr. Formica noted that as previously discussed meetings/calls have been held on 11/9/23 and 11/30/23 with Spectraserv and their attorney and their bonding company Liberty Mutual, along with A Siebert, M. Kozlark, J. Muller, M. Frank, and J. Pearson, G. Trivino and himself attending these meeting (with a few absences). AECOM had provided comments on Spectraserv's 12/20/23 schedule on 12/21/23 with an indication that AECOM would like to schedule another call to discuss the project status in mid-January. This call has been scheduled for next Thursday (2/1/24) with the same individuals to review Spectraserv's progress against their last projected schedule which indicates substantial completion and final completion dates of 2/2/24 and 5/2/24 respectively.

- vi) Mr. Formica noted that AECOM wanted to highlight another item of concern related to the project. This was that Spectraserv informed AECOM that their electrical sub-contractor Horton Electric quote "engaged has engaged in a work slowdown and has started to remove its tools and equipment from the jobsite" indicating that they had done so because certain change orders had not been approved. Spectraserv subsequently sent a Notice of Intent to Declare Horton in Default of their contractor obligations to Horton's surety, intending to pass along any liquidated damages as appropriate to Horton, and a request to schedule a meeting to discuss. Mr. Formica noted that after a reduction of workforce between November and December that there was sharp reduction of Horton's onsite staff at the beginning of January. Horton has recently increased their workforce for the balance of the month to date to match those provided in December but it is still lower than November. This is expected to be a topic of conversation in our call with Liberty Mutual next week.

- vii) Mr. Formica noted that two letters were drafted, finalized and delivered last month to address some construction related concerns. One was a letter jointly signed by the WPCA and Rudy Marconi to the DEEP to proactively advise the DEEP that Town was not confident in Spectraserv's ability to meeting the twice postponed Administrative Order Date of 4/1/24 for compliance with the new total phosphorus effluent limits. In recent conversation with DEEP in response to the letter, DEEP suggested a follow up letter be provided indicated that we did not believe that they would meet AO date and to request a time extension. The second letter was from the WCPA to the DEEP to provide a summary of how the plant's effluent flow meter was malfunctioning in July 2023 and has caused the WWFT to exceed 180 day, 90% plant design flow and requesting confirmation that no further action is required by the Town. With the high flows in December, AECOM will draft another letter on the WPCA's behalf to address the same item.

Ms. Ketchum left the meeting at approximately 7:45p.m.

c) Wastewater Facilities Upgrade, Engineering during Construction, Proposed Amendment No. 3

- i) Mr. Formica noted that the scheduled completion dates for construction for both projects have been pushed out over the last 6 months. For Route 7, as noted

previously M&O is projecting that they will be completed in late July 2024 however AECOM believes that an August 2024 date is more likely. Also as noted previously, Spectraserv has projected a final completion date for the South Street WWTF project of May 2, 2024. AECOM believe that this is overly optimistic and have projected a July 15, 2024 completion date based on the recent 6 month historical expenditure rate. Mr. Formica noted that AECOM's last contract amendment for engineering services was executed in May 2023 and included a budget adjustment to provide services through the projected construction completion for both contracts at that time which was through January 2024. With the extended construction schedule for both the Route 7 project and the South Street project, AECOM will be providing engineering during construction for a longer period than the current budget was planned to cover as noted.

- ii)** Mr. Formica discussed that DEEP has indicated that in order to maintain eligibility of the additional costs for grant/loan participation, the increase in engineering fees would need to be submitted and approved by DEEP prior to incurring these costs. As a result, we have prepared and submitted a request for Amendment No.3 to our Agreement for engineering during construction that Ms. Van Ness distributed earlier this week. The letter outlines the current schedule and budget status, and provides details of the basis for the projected costs. Our projected engineering service costs are based on the expenditure rate projection for the completion date of mid July 2024 for South Street and late August 2024 for Route 7. AECOM estimates that the additional engineering cost for this extended construction period is \$365,400, for the Route 7 Project, and \$298,200 for the South St Project. It is important to note that these costs do not include any costs associated with contractor claims for extended time and associated costs, nor any recovery of costs through the assessment of liquidated damages to either contractor, since there is no basis at this time to project these costs. The total of these two budget increases is \$663,660.
- iii)** Mr. Formica discussed several aspects of the draft Amendment. First, AECOM's agreement basis for our work is on a cost plus fixed fee basis which means AEOCM only invoices for actual costs as they are incurred, and a fee (profit) percentage of the costs. Approval of the Amendment estimated total does not necessarily mean that AECOM will be paid the full amount. During construction, we are in a purely reactive mode – we do not control the contractors schedule, or the timing or quality of shop drawings, proposed change orders, and other documents or actions each contractor may take. If things go better than expected and we finish quicker, or with less required effort, we do not get paid the full amount of our budget, including this amendment. Second, AECOM understands the financial impact that the extended construction period and the associated engineering cost has on the WPCA and the Town. Mr. Formica noted in light of this, and the excellent working relationship we have had over the years with the WPCA, in preparing our Amendment request, we have elected similar to amendment No. 2 to request this Amendment to address our costs only. AECOM has not requested any increase in the fixed fee for the additional work in the draft Amendment. This has reduced the amount of the requested budget increase by about \$66,000 in the spirit of cooperation to “share the pain” the WPCA is experiencing due to the extended construction period for both Contracts.

iv) If the terms of proposed Amendment No. 3 are acceptable, a vote to approve draft Amendment No 2, subject to the review and approval of the DEEP is needed.

Motion to approve Amendment No. 3 which includes a revised estimated budget for the engineering services during construction with an increase of \$663,600, subject to DEEP by Ms. Kozlark, seconded by Mr. Zawacki, passing 3-0.

d) Quail Ridge Pump Station Relocation

- i) Mr. Formica discussed that AECOM has re-started work the design of the pump station and have reached out to Jake Muller and others for information needed to coordinate the pump station design with the planned Police/Fire facility as well as details on the potential rail trail extension along the sewer easement proposed between Prospect Street and Old Quarry Road. AECOM has also executed a couple of subcontracts to provide easement surveys, the Planning and Zoning Required A-2 Survey of the pump station property, and a hazardous materials survey of the existing Quail Ridge Pump Station and Highway Department Pump Station, with the intention of getting their work started in the near future.

4) Veolia

- i) Mr. Pennell discussed the increased flows to the South Street facility the last three months and that the town will have to write another letter to CT DEEP because we were over the 90 percent of design flow for the third month in a row and a big part of that is because of the effluent flow meter failure back in July 2023. AECOM was requested to draft another letter to the DEEP to explain how the 90 percent exceedance was tied to the meter issue in July.
- ii) Mr. Pennel also discussed that the South St WWTF exceeded the daily maximum and monthly maximum zinc loading for the month of December. Mr. Pennel indicated that they had to reach out to the state to explain the exceedances due to the high use of City water last month with the new plant water system still off-line.
- iii) Mr. Pennel also indicated that due to the high flows observed in December that Veolia is looking into the collection system I&I again and that the Smart Covers are instrumental in this effort. Mr. Connors said that he has a Smart Cover representative that will also take a look at our I&I issue. It was noted that high I&I issues had been identified in the past including some recommendations to remove some sources of I&I yet additional measures not yet taken could be considered to reduce I&I.

5) Adjournment

Motion to adjourn the meeting at 8:16 p.m. by Ms. Kozlark, seconded by Mr. Zawacki, motion passed 3-0.

Submitted by Diana Van Ness