



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

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

WPCA: Amy Siebert, Maureen Kozlark (left meeting at 7:56 pm), Gary Zawacki, Corrine Ketchum
WPCA Absent: Russell Fink
AECOM: Jon Pearson, Matt Formica
Veolia: Ryan Richmond
Guests: Greg Kabasakalian, Collette Kabasakalian, Debra Franceschini, Annie F. (joined at 7:30 pm)

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) Possible Executive Session.** Following discussion, **Motion to move the Executive Session to the end of the meeting by Ms. Kozlark, seconded by Ms. Ketchum, passing 4-0.**
- 2) Public Comments:**
 - a) Ms. Kabasakalian asked why we have our meetings in Zoom rather than in person and requested future meetings be in person. Ms. Siebert stated that we have people attending from remote areas and it is more efficient for the WPCA to use Zoom. Ms. Kasabakalian also asked why M&O was not responding to our requests. Ms. Siebert stated that they are responding to all requests in a timely manner, noting they are working on responses to items not yet addressed.
- 3) Approval of Minutes June 27, 2024 Motion by Mr. Zawacki, seconded by Ms. Kozlark, passing 4-0.**
- 4) New Business:**
 - a) **Review Sewer Rates.** Discussed Rate Model and that rate projection of a 2% rate increase is needed. Ms. Ketchum questioned whether the estimated costs

in the model for the future Quail Ridge PS and Ramapoo PS were current and it was confirmed that they were. **The model was reviewed and a motion was made to increase sewer rates for FY 25/26 as follows by Ms. Ketchum, seconded by Mr. Zawacki:**

- i) District I (South Street) \$896.00**
- ii) District II (Route 7) \$896.00**
- iii) District III (Turner Hill) \$502.00**

5) 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.

6) AECOM Report

1. Route 7 PS, FM, and WWTF Decommissioning

a. Construction Update

- i)** Mr. Formica noted that this month M&O Construction performed the following significant work items:
 - Backfilled and cleaned up portions of the PS site.
 - Complete the fiber optic cable installation and testing end to end (PS to WWTF).
 - Performed the pump, VFDs, generator, and control panel start up, functionality, and performance tests yesterday.
 - Began filling the force main today, and it is expected that flow will be pumped from the new Route 7 Pump Station to the South Street WWTF in the next week to begin the pumping system testing phase.
 - ii)** M&O's latest interim schedule received on July 23rd indicates the pump station now being completed by August 7th and the WWTF demolition being completed on October 21st. Mr. Formica discussed that both of these dates are approximately 2 weeks longer than the last formal schedule received on 6/25/24.
 - iii)** 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, but Mr. Formica noted optimistically that the commissioning of the pump station may prevent future schedule slippage.
 - iv)** In light of these concerns, Mr. Formica discussed that AECOM had previously issued a letter to M&O Construction and their surety expressing these concerns about the schedule and requesting specific actions that will be taken to address the schedule concerns. M&O Construction has confirmed receipt and is preparing a response to the letter.
- b) Monthly Pay Estimate**
- i)** This month Mr. Formica had forwarded the signed M&O Pay Estimate No. 29 for the WPCA's review and execution. 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 force main and traffic controls be reduced to 2%. Given the repeated concerns with project progress and continued schedule slippage, well past the contractual date for substantial completion and final completion, AECOM has 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 last month they have refused to address this request. As a result, a hand markup of Pay Estimate No. 29 to maintain the 5% retainage was submitted. The marked up version of progress payment Estimate No. 29 for Route 7 Project for June is in the amount of **\$219,187.94** and AECOM recommends it be processed for payment. Mr. Formica reviewed that 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 June, 80% of the construction cost has been expended, and 154% of the contract time has passed.

Mr. Formica noted that AECOM has been working with DEEP's Clean Water Fund (CWF) accountant Lee Rogers to advance the first Route 7 CWF Payment Reimbursement to the town. Mr. Rogers has recently indicated that the payment on the 1st reimbursement request was made on July 18th, and documentation will be forwarded next week. In response to a question, Mr. Pearson noted that this payment consists of a combination of grant and loan funds, and as the first payment request, it took longer to process. Payment requests for reimbursement of eligible costs incurred on the Route 7 project will be prepared monthly going forward.

2. South Street WWTF Upgrade Construction

a) Construction Update:

Mr. Formica discussed that construction has continued this month including the following significant items:

- The landscape installation was completed.
- The fence and gate operator installation was completed.
- The fire marshal walk through was held and the fire alarm system testing was successful.
- The 3 odor control units duct work was pressure tested and the units were put into operation.

b) Change Orders and PCOs.

- i) Change Order No. 19** consisting of 18 items was presented for a credit of \$8,389.49. Mr. Formica reviewed that the change order had been forwarded to the WPCA

members for review. Following discussion, **Motion to approve the Change Order No. 19 by Ms. Ketchum, seconded by Mr. Zawacki, passing 4-0.** Mr. Formica discussed that with Change Order No. 19 the total change orders to date are \$1,121,041.45 representing approximately 3 percent of the original construction bid amount.

- ii) Mr. Formica noted that as discussed last month, AECOM has removed several Contract Modification Request (CMR) change order items from Spectraserv's scope of work including the wetlands enhancement plan that was part of the requirements from the Inland Wetlands Board Adopted Resolution of Approval for the project. As discussed last month, Mr. Formica reviewed that there are two paths going forward with the removal of this work from Spectraserv's work.

- (1) One was to have another contractor perform the work outside of Spectraserv's work.
- (2) The second was to request from the Inland Wetlands Board that the wetlands enhancement plan for the small wetlands pocket on the site be removed from the Adopted Resolution Requirements due to their past acknowledgment by the Board that these wetlands were small and of limited value. At the request of the WPCA AECOM reached out to the Planning and Zoning Department and Inland Wetlands agent to get a sense if they thought this was something that the Wetlands Board would entertain. It was indicated to AECOM that this request would need to be made directly to the Wetlands Board and AECOM was offered to be included on a future meeting agenda. AECOM indicated that the WPCA would need to be consulted to determine if the WPCA would like AECOM to attend a Wetland Board meeting and make this request. Mr. Formica requested guidance from the WPCA if AECOM should move forward to attend an Inland Wetlands Board meeting to discuss the request for modification of the Adopted resolution to delete the wetlands enhancement plan requirement. Following discussion, it was agreed that AECOM should pursue the modification to the Adopted Resolution to delete the wetlands enhancement plan requirement.

c) Payment Estimate

- iii) Mr. Formica noted that AECOM had forwarded in advance Pay Estimate No. 58 for Spectraserv that covers work completed in the month of June in the amount of **\$180,116.22** and recommended that it be approved for payment. This estimate maintains the withholding of 5% retainage on items that are not substantially completed and include the typical 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.

d) Schedule

- iv) AECOM reviewed that Spectraserv's updated schedule from 7/6/24 extended the substantial completion date to 7/30/24 (1 more week than the prior schedule) and final completion is now 9/17/24 (4 more weeks) since the previous schedule from

6/11/24. AECOM does not believe that either of these dates will be met given the outstanding work, items to be addressed, and Spectraserv's difficulty getting subcontractors and manufacturer representatives to the site.

- v) Mr. Formica discussed that AECOM 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 including:

- Electrical work/grounding/lightning protection work
- HVAC/Automatic Temperature Control work
- SCADA work
- Fire Alarm work
- Roofing work
- Siding work
- Filter testing
- Punchlist and Incomplete Items work

- vi) Mr. Formica noted note that on 6/5/24 Spectraserv submitted a request that substantial completion be granted on all outstanding project buildings and structures (site work and yard items remain). AECOM had provided an initial response to this request that the Operations Building and Influent Building cannot be recommended for substantial completion until the outstanding warranty confirmation from the manufacturers due to roof leaks and siding installation problems have been resolved. In addition, AECOM noted that the Odor Control systems cannot be recommended for substantial completion until the systems can be operated on a continuous basis (at that time, Mr. Formica noted that they were not operational). As required by the Contract Documents AECOM is in the process of conducting walk through reviews of all areas that have been requested as substantially completed to identify incomplete items and to provide recommendations to the WPCA on whether AECOM considers these are substantially complete or not.

e) Liberty Mutual Schedule Discussions Update

- i) As noted previously, Mr. Formica reviewed that regular meetings/calls have been held with Spectraserv and their attorney and their bonding company Liberty Mutual, along with Amy, Maureen, Jake Muller, Monte Frank, and Jon, Gisele and Matt attending these meeting (with a few absences) since November. Since the last WPCA meeting we had one call panned with the same parties on 7/11/24. This call was cancelled in light of correspondence between AECOM and Spectraserv that week summarizing the incomplete items indicated to be completed from their 6/11/24 schedules, their substantial completion date and status updates related to the outstanding work to complete several WWTF systems (phones, fire alarm , HVAC and controls, etc.).

f) AECOM Engineering During Construction Budget

- a. Mr. Formica reviewed that AECOM's last contract amendment for engineering services was approved by the WPCA in January 2024 and included a budget adjustment to provide services through the projected construction completion for both contracts at that time which was through July 2024 for South Street and August 2024 for Route 7. 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. For Route 7 M&O is projecting that they will be completed with WWTF demolition in late October 2024 however Mr. Formica noted that AECOM believes that they will be there through December 1 to complete project close out items. Also as noted above Spectraserv has projected a final completion date for the South Street WWTF project of 9/17/24. AECOM believes that this is overly optimistic and have used a December 1 project completion date for the purposes of generating budget estimate Mr. Formica noted that AECOM reviewed the project budget status in light of the extended construction durations and the budgets for each project task contained in AECOM's letter and draft contract amendment dated 7/24/24 which was provided to the WPCA for review in advance of the meeting. 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 estimated contract completion date of December 1st for both the South Street and for Route 7 projects
- b. Mr. Formica noted that AECOM is estimating that the additional engineering cost for this extended construction period is \$432,600 for the South Street project and a reduction of \$6,200 for the Route 7 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 we have no basis at this time to project these costs. The total of these two budget increases is \$426,400. It should be noted that there is sufficient project budget at this time to cover these additional costs. Mr., Formica noted that AECOM's agreement basis for services on this project is on a cost plus fixed fee basis which means AECOM can only invoice for actual costs as they are incurred, and a fee (profit) percentage of the costs. During construction, AECOM are in a purely reactive mode and 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 the work finishes quicker, or with less required effort, AECOM does not get paid the full amount of our budget, including this amendment.
- c. Second, Mr. Formica reviewed that AECOM recognizes the financial impact that the extended construction period and the associated engineering cost has on the WPCA and the town. In light of this, and the excellent working relationship we have had over the years with the WPCA, in preparing our Amendment request, AECOM elected similar to Amendment No. 2 and no. 3 to request this Amendment to address our costs only without any increase in the fixed fee. This has reduced the amount of the requested budget increase by about \$43,000.
- d. Mr. Formica noted that if the draft Amendment is acceptable, the Draft Amendment will need to be submitted to DEEP for review and approval prior to the WPCA

executing the Amendment. **Motion to approve Draft Amendment No. 4 pending approval of the DEEP by Ms. Ketchum, seconded by Mr. Zawacki, passing 4-0.**

7) Quail Ridge Pump Station Relocation Design

- a) No items to report on this project this month.

8) Veolia

- a) Mr. Richmond stated both plants met their permits but noted that the 6 month rolling average for average daily flow at the South Street WWTF is slightly over the 90 percent of the design capacity due this year's excessive wet weather. He will work with AECOM to prepare a letter to the DEEP on this.
- b) Mr. Richmond stated the that the Aeration Tank No. 1 cleaning should be finished this week, and is going faster than anticipated.
- c) Mr. Richmond discussed that as noted last month, they have an issue with pump no. 2 at the Ramapoo PS. Kovacs Construction (who constructed this PS in 1999) reviewed the issue and concluded the pump needs a new suction base elbow as it has deteriorated. Mr. Richmond is working with Kovacs Const. to get a proposal for this work.
- d) Ms. Franceschini asked about the problem with wipes clogging pipes. Mr. Richmond stated that they are still getting clogs from wipes in some of the pump stations however the new pump installed as part of the recent upgrade have operated without clogging of the pumps. Ms. Siebert stated that there is legislation stating that the packages will state "Do Not Flush".

9) Motion to go into Executive Session at 8:00 regarding possible litigation, inviting AECOM, Veolia and Ms. Van Ness by Mr. Zawacki, seconded by Ms. Ketchum, passing 3-0.

10) The WPCA exited Executive Session at 8:27 p.m. No vote was taken.

11) Adjournment

Motion to adjourn the meeting at 8:28 p.m. by Ms. Ketchum, seconded by Mr. Zawacki, motion passed 3-0. (Ms. Kozlark left the meeting at 7:56 p.m.).

Submitted by Diana Van Ness