



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

**WPCA Special Meeting Via ZOOM
March 23, 2023, 7:00 p.m.
66 Prospect Street
Ridgefield, Connecticut 06877**

WPCA: Amy Siebert, Ron Hill, Gary Zawacki, Corinne Ketchum
Absent: Maureen Kozlark
AECOM: Matt Formica, Jon Pearson
Veolia: Ryan Richmond, Jeff Pennell
901 Ethan Allen Highway: Richard Lipton, Todd Ritchie

**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 pm.

1) New Business

a) Approval of Minutes

**i) Motion to approve February 23, 2023 minutes by Mr. Zawacki,
seconded by Mr. Hill, passing 4-0.**

b) 901 Ethan Allen Highway

i) Richard Lipton stated he submitted an application to Planning & Zoning for 71 townhouses, 12 one bedroom apartments, 8 two bedroom apartments and 1 three bedroom apartment and a common area for a total of 93 additional sewer units. He noted that the current purchase agreement with the Town for the Route 7 WWTF property would likely occur at the end of 2024, which should fit with the current construction schedule for the Route 7 project

ii) Mr. Ritchie, SLR Consulting, stated that the sewer connection would be an 8 inch gravity sewer running through the existing force main easement and connecting to the sewer on Route 7. No sewer drop manholes are currently needed even with the steep site grades.

iii) Mr. Pearson reviewed the plan for the proposed Ridgefield Village dated March 3, 2023, and offer the following comments:

(1) On the Lot Line Revision Plan (and other drawings in the plan set as well), the existing Access Easement at the Route 7 Pump Station granted to the WPCA by 901 Ethan Allen Highway is not shown.

- (2) On drawing EX-2, Existing Conditions and Removals Plan, it is noted that “Existing Decommissioned Sewage Treatment Facility to be removed by others as part of a separate project”. This is incorrect. The existing Route 7 WWTF is not being fully removed as part of WPCA’s Route 7 project. All WWTF structures will be demolished to a minimum depth of 3 feet below the finish grade, holes made in the remaining below grade concrete tanks and structures for groundwater drainage, and the structures filled in and buried. Mr. Pearson noted that proposed Building 2 and proposed Building 5 may be sited on top of existing structures from the WWTF that will remain. Pavement will also be removed from the WWTF site, and the site seeded. The existing pair of catch basins on the WWTF access road just inside the WWTF fence, and the associated drainage piping discharging to the stream, will not be demolished and will be left in place.
- (3) On drawing EX-2, Existing Conditions and Removals Plan, it is noted that “Existing Decommissioned Water Tank to be removed by others as part of a separate project”. Mr. Pearson clarified that the WPCA’s Route 7 project is not demolishing this water tank since it is not on the WTF parcel. Mr. Lipton agreed.
- (4) On drawing LA-2, Entry Plan-Layout, the current access road to the WWTF is being reconstructed and a new bridge across the stream is to be constructed. Mr. Pearson discussed that the existing 8” force main from the Route 7 Pump Station to the WWTF is located under this road and crosses under the existing brook culvert. This force main will remain in service until the Route 7 Pump Station is reconstructed and the wastewater flow is re-directed to the South Street WWTF, currently anticipated to occur in late Fall 2023. After the force main is removed from service, it will be abandoned in place.
- (5) On drawing UT-1, Entry Plan-Utilities, at the point where the new sewer serving this development connects to the existing sewer in Ethan Allen Highway, it appears a new manhole is to be constructed on the existing sewer to accommodate the new sewer connection. Mr. Pearson recommended that the plans provide for the new manhole to be installed with flexible couplings with stainless steel hardware to connect to the existing sewer pipe on either side of the new manhole, and that a “doghouse” style manhole on the existing sewer not be permitted, to minimize groundwater infiltration in the existing sewer.
- (6) On drawing SD-7, Site Details, Mr. Pearson recommended that the manhole covers be provided with concealed pick holes to minimize stormwater inflow.

Mr. Pearson agreed to forward an electronic copy of the Route 7 project plans to Mr. Ritchie for coordination.

2) Old Business

a) Raftelis Rate Model Update :

i) No change since the model update discussed at the last meeting.

b) Charter Revision Review

i) Sent letter to the Charter Revision Committee to request two alternate WPCA members be appointed.

ii) Ms. Kozlark attended the Charter Revision meeting and will report to the WPCA.

c) Sale of Route 7 Treatment Plant Property.

(1) The WPCA will need to request to be put on the Board of Selectmen agenda to discuss the sale of the property.

3) AECOM

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

i) Mr. Formica discussed that the monthly construction progress meeting was held earlier in the day. He noted that with the scheduled re-opening of the pavement plants, M&O Construction plans to remobilize their field crew starting Monday March 27th. They plan to start with the installation of manholes associated with air release valves at the force main high points, and blowoff drains at the force main low points, as well as the fiber optic cable utility boxes. This work is expected to take about 2 weeks, and then M&O Construction will re-start work on the force main installation at the Ridgefield Brook culvert on Farmingville Road heading toward Ligi's Way.

ii) Mr. Formica noted that M&O's latest schedule shows that the pump station schedule is still being affected by delays in obtaining key components and work onsite is scheduled to begin in late May and continue through October. However, the generator may be delayed longer than that date. AECOM has requested that M&O support the extended schedule with documentation of the delays in obtaining key pump station equipment, and we believe that this will necessitate a time extension. Mr. Formica noted that the letter provided to M&O Construction noting this was a priority government project has had a beneficial effect on the scheduled delivery of some of the programmable logic controllers for the pump controls

iii) Mr. Formica discussed that there have continued to be resident complaints about the condition of the temporary trench pavement on Farmingville Road. A site meeting with M&O, AECOM, and Dave Buccitti, Highway Supt., was held to walk Farmingville Road to review what needs to be addressed until such time as the permanent pavement can be placed. Mr. Formica noted that the final paving was deleted from M&O's scope of work at the start of the project, and will be completed by the Town Highway Dept, with payment to be from the WPCA. Details of how this will occur are yet to be worked out. In the meantime, while M&O is obligated to repair the trench pavement at this time, Mr. Buccitti is requesting that more than spot

repairs be completed to address the condition of the pavement. This may mean some portion of the final paving funds will need to be used to address this request. AECOM is working with Mr. Buccitti and M&O to agree on what needs to be done to address this request,

- iv) Mr. Formica discussed that AECOM has submitted progress Payment Estimate No. 13 for the Route 7 project in the amount of \$57,287.27 for M&O Construction. AECOM has reviewed it and recommend that it be approved for payment. The hard copies of the payment estimate have been submitted to Ms. Van Ness for execution. It was discussed that since the contractual date for substantial completion has now passed, the progress payment form includes the caveat that the WPCA reserves the right to assess liquidated damages if a time extension is not justified and executed in a change order.
- v) Mr. Formica discussed that with the winter shutdown, AECOM worked with Ms. Van Ness to reduce the frequency of construction updates posted on the WPCA website to monthly. With the planned restart of work next week, AECOM will prepare a Construction Update for distribution and posting on the WPCA and Town website. Going forward, the update frequency will return to weekly.

b) South Street WWTF Upgrade Construction

- i) Mr. Formica reviewed that the monthly construction progress virtual meeting was held today, and Ms. Kozlark, Mr. Zawacki, Ms. Van Ness, Mr. Pennell, and Mr. Richmond participated. Significant activities this past month included:
 - (a) Influent Building Exterior - Exterior installation of the roof on the Electrical Room addition is advancing, the Electrical Room interior ceiling and painting were completed, and the temporary bypass pumping system to allow work on the Influent Box and interior process equipment was installed and is being tested
 - (b) Operations Building. - Completed the mechanical installation of the new plant recycle pumps. Completed the leakage tests on the two new effluent filter cells, backfilled the excavation, constructed the effluent channel and started the channel leakage test. Installed the filter sand in 3 of the filter cells, and the filter manufacturer was onsite for checkout of 6 of the 8 filter cells.
- ii) Mr. Formica noted that Spectraserv has focused their efforts this month on advancing the work on the Phosphorus Sand Filters in the Operations Building, and their latest schedule received today shows the startup of the first 3 (out of 8) filter cells next week, which AECOM does not believe will be achieved. Given this, AECOM has drafted the letter to the DEEP that notifies them that the WPCA and AECOM do not believe the new effluent phosphorus limit will be met by Saturday April 1, 2023, as stipulated in the amended Administrative Order. Ann Straut at the DEEP is aware of the situation and knows the letter is coming. Following discussion, the WPCA was in agreement with the draft letter, and Mr. Formica indicated that it will be finalized and submitted.

- iii)** Mr. Formica reviewed that as a follow up to last month's discussion of the need to secure approval from the Solana property Owner and the Treetops condos to allow entry on their property to setup a temporary bypass pumping system from the manhole on their property (66 Grove St) to allow the influent sewer manhole replacement work to proceed, the letter that the Treetops condo board requested was submitted. The Treetops management have requested that the letter be revised to include language indemnifying the Treetops Condos, and since Spectraserv's contract already includes a requirement to indemnify both the WPCA and AECOM, AECOM requested clarification that if the Treetops condos are added to Spectraserv's insurance policy with the indemnification clause, would this address their concern.
- iv)** Mr. Formica reviewed Progress Payment No. 42 for Spectraserv that covers the month of December in the amount of \$404,176.02 and recommended it be approved. The progress payment form includes the caveat that since the contract substantial completion date has passed that the WPCA reserves the right to assess liquidated damages if a time extension is not justified and executed in a change order. AECOM did note that this payment amount was significantly less than the amount of \$623,812 for January contained in most recent cash flow projection from Spectraserv, an indication that they are not on track to finish in Mid-Sept. as their schedule shows. Based on that rate of expenditures, AECOM believes it will be mid January before they achieve final completion. Through February, Spectraserv has expended 85% of the project cost, while 112% of the contract time has passed.
- v)** Mr. Formica discussed that signed Change Order No. 11 was received from Spectraserv today which increased the allowance for the additional grit removed from aeration tank no. 1. The value of \$360,000 was previously agreed to by the WPCA and approved by the DEEP. Through Change Order No. 11 the total of change orders is \$844,000 which represents approx. 2.25% of the original project bid price. Mr. Formica reviewed that Spectraserv had requested a 22 day time extension as part of this change order when they were requested to execute it. Since the grit removal work on Aeration Tank No. 1 was never on the schedule critical path, AECOM rejected the time extension request. Spectraserv then signed the change order, but noted they did not agree with the denial and reserve their right to further dispute the denial.
- vi)** Mr. Pearson discussed that at last month's WPCA meeting AECOM had reviewed the projected need for a budget increase on both projects to address the costs for engineering services due to the extended construction schedule on both projects, and to increase the contingency on the Route 7 project in the estimated amount of \$1.3 million. He noted that on Wednesday March 22nd there was a virtual meeting held with Ms. Siebert, Kevin Redmond, Rudy Marconi, Glenn Rybacki from Pullman and Comely (the Town's new bond counsel), Ann Straut, Lee Rogers, and a number of other DEEP staff (both from the Municipal Facilities group and the Clean Water Fund program), a representative from the state Treasury Dept., and Mr. Formica and Mr. Pearson from AECOM to discuss the following:

- (a) Amend the South Street WWTF Upgrade Clean Water Fund Agreement (CWF- 702C) to include the Route 7 project grant and loan
- (b) Move forward with permanent financing of the South Street project loan amount already incurred
- (c) Revise the schedule in the Clean Water Fund Agreement to reflect the extended construction durations for both construction projects
- (d) Implement the projected budget increase of approximately \$1.3 million total

Mr. Pearson reviewed that the meeting went well, there was consensus on moving forward on these items, and action items were identified to move forward with all of these efforts.

- vii) Mr. Pearson discussed that the 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. To comply with that requirement, AECOM prepared and submitted a draft Amendment No. 2 to the Agreement for engineering during construction that Ms. Van Ness distributed earlier today. The letter accompanying the draft Amendment outlines the current schedule and budget status, and provides details of the basis for the projected costs. Mr. Pearson discussed the information in the letter and draft Amendment.

In developing the projected additional engineering costs, Mr. Pearson reviewed that since AECOM has no confidence that Spectraserv's schedule will be achieved AECOM has based the projected engineering costs on the construction expenditure rate projection for the completion date rather than on Spectraserv's schedule, and this puts final completion of the South Street WWTF Upgrade in January 2024. Mr. Pearson noted that AECOM is estimating that the additional engineering cost for this extended construction period is \$852,450. For the Route 7 Project, based on M&O Construction's most recent schedule showing completion in mid-January 2024, the estimated additional engineering cost is \$206,500. 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 \$1,058,950

Mr. Pearson discussed several aspects of the draft Amendment. First, AECOM's agreement basis for work on both construction contracts is on a cost plus fixed fee basis which means AECOM only invoices for actual costs as they are incurred, along with a fee (profit) percentage of the costs incurred. Approval of the Amendment estimated total does not necessarily mean that AECOM will be paid this full amount. During construction, AECOM is in a purely reactive mode – AECOM does 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 one or both construction contracts finish quicker than currently projected, or with less required effort, AECOM does not get paid the full amount of the engineering budget, including this amendment. Second, AECOM understands the financial impact that the extended construction period and the associated additional engineering cost has on the WPCA and the town. Mr. Pearson

noted that in light of this, and the excellent working relationship AECOM has had over the years with the WPCA, in preparing this Amendment request, AECOM has elected to request this Amendment to address the additional costs only. We have not requested any increase in the fixed fee for this additional work in the draft Amendment. This has reduced the amount of the requested budget increase by about \$100,000 in the spirit of cooperation to “share the pain” the WPCA is experiencing due to the extended construction period for both construction contracts.

Mr. Pearson suggested that the WPCA address the requested budget increase and draft Amendment No. 2 separately. First, he noted as discussed last month during the Rate Model review, the funds for this additional engineering, as well as the needed increase in the project contingency, will come from the WPCA’s Fund Balance. To support the request to DEEP to increase the project budget by \$1.3 million, a vote of the WPCA is needed. Second, if the terms of proposed Amendment No. 2 are acceptable, a vote to approve draft Amendment No 2, subject to the review and approval of the DEEP is also needed. Following discussion of these items:

Motion to approve Amendment No. 2 which includes the revised estimated budget for the engineering services during construction for \$1,058,950.00 to be funded from the WPCA Fund Balance, subject to approval by the CT DEEP, by Ms. Ketchum, seconded by Mr. Zawacki, passing 4-0.

Motion to use the WPCA fund balance for an increase in the project budget of \$1.3 million for both the Route 7 and South Street projects by Mr. Zawacki, seconded by Ms. Ketchum, passing 4-0.

4) Veolia

- a) Mr. Pennell presented the February 2023 Monthly Report. The NPDES Discharge Monitoring Report for the Route 7 facility and the South Street facility met compliance for the month of February 2023. Mr. Pennell noted that the Ford F250 truck is being repaired to address the failed turbocharger and the maintenance truck is being serviced for preventative maintenance as well. There was a problem with one of the duty pumps at the Ramapoo PS, and it was removed and sent to IDC for repairs. Veolia stated the 2 new Smartcovers being installed and anti-grease enzyme drip into the manhole near Marty Motors to help combat the grease problem in front of Union Savings Bank from the Commons across the street.

5) Adjournment

The meeting was adjourned at 8:07 p.m. by a **Motion made by Mr. Hill seconded by Mr. Zawacki, motion passed 4-0.**

Submitted by Diana Van Ness