

**ENFIELD TOWN COUNCIL
ACTING AS WATER POLLUTION CONTROL AUTHORITY
MONDAY, SEPTEMBER 21, 2020**

The Enfield Town Council, meeting in its official capacity as the Water Pollution Control Authority, held a meeting on Monday, September 21, 2020. Chairman Ludwick called the meeting to order at 5:45 p.m.

ROLL-CALL – Present were Commissioners Bosco, Cekala, Hemmeler, Kiner, Ludwick, Mangini, Muller, Riley, Sferrazza, Szewczak and Unghire. Also present were Town Manager, Christopher Bromson; Assistant Town Manager, Kasia Purciello; Town Attorney, James Tallberg; Town Clerk, Suzanne Olechnicki; Director of Finance, John Wilcox; Director of Public Works, Donald Nunes; Deputy Director of Public Works, Jeffrey Leonowicz; Chief Technology Officer, Paul Russell; Deputy Director of Economic & Community Development Services, Nelson Tereso.

MINUTES OF PRECEDING MEETINGS

MOTION #4702 by Commissioner Muller, seconded by Commissioner Mangini to approve the minutes of October 21, 2019.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #4702** adopted by a 9-0-0 vote.

OLD BUSINESS

There were no Old Business items on this evening's agenda.

NEW BUSINESS

There were no New Business items on this evening's agenda.

ITEMS FOR DISCUSSION

RESOLUTION #4703 by Commissioner Mangini, seconded by Commissioner Muller.

WHEREAS, the Enfield Town Council, acting in its capacity as the Water Pollution Control Authority, has adopted resolution number 4527, which waives the bidding requirements for consulting, engineering services, and owner's representative services related to the Water Pollution Control Facility upgrades and authorizes the Town Manager to execute a contract with Woodard and Curran; and

WHEREAS, unforeseen factors encountered during construction, including the discovery of PCBs, which required abatement, have made it necessary to amend the contract with Woodard and Curran to increase the scope of work and extend the term.

NOW, THEREFORE, BE IT RESOLVED, that the Town Manager is authorized to execute any necessary amendments to the contract with Woodard and Curran for such services, subject to the review and approval of the Town Attorney.

Present from Fuss & O'Neill was Kevin Flood, Project Manager

Mr. Bromson stated during the course of construction, PCBs were discovered in some of the much older equipment and wasn't seen in the initial testing. He noted the DEEP approved the expenditure from the contingency account to abate the PCBs, which has been done. He noted the legal department, Public Works and the Director of Finance reviewed the billing. He stated it's hoped to have a ribbon-cutting in December.

Mr. Flood stated the amendment submitted by Woodard & Curran was for \$678,000. He noted there was a contract extension of over two months and additional time was spent in helping the Town Council and WPCA with rate setting as the upgrades were beginning. He stated their original contract with the Town called for monthly meetings to go over progress on the project, but it became clear that weekly project meetings were better. He noted there were several unforeseen conditions, including the PCBs that were found on a lot of the existing materials, which was mostly paint and other materials such as paint on concrete or pieces of equipment that had PCBs within it, and other things such as different conditions at the plant from what was shown on record. He noted they also had to assist the Town with some of their requests based on the different operators that were in charge at the time and what they were looking for to maintain operations and keep the equipment that was there in place until the new equipment was online and fully functional before it was eliminated.

Mr. Flood stated once the PCBs were identified, there was a lot of effort on the part of Woodard & Curran to not only identify it and dispose of that material. He noted there was a lot of paperwork and coordination involved in this process.

He stated there was an EPA plan developed for this project, which had to be edited at least three times based on what was found and how it was handled.

Mr. Bromson stated all these overages must be approved by DEEP, which is another quality control. He noted Mr. Flood is the owner's representatives, so he is the broker in this watching out for the Town. He stated he increased the meetings because they don't have a building committee, and this was a large, two-year project. He noted he attended these meetings, as well as Kasia Purciello, the Director of Public Works, and they kept a tight rein on this. He stated his belief they will have an incredible result, and he feels they are also well-positioned for expansion of commercial and residential use because of the capacity of the sewer treatment plant. He pointed

out they came in well under what was expected, so with PCB remediation and abatement they got a very good deal. He noted staff is recommending this, and DEEP has been pushing to get this paid, therefore, he's confident it will be approved.

Commissioner Cekala questioned why Woodard & Curran wouldn't know weekly meetings are necessary. Mr. Flood stated his belief when this was initially proposed, they were attempting to provide what was necessary in terms of progress meetings on the site. He noted they could have increased the budget but lowering the number of meetings reduces the cost.

Commissioner Cekala questioned why the Town is obligated to pay more if they need to meet more often. Mr. Bromson stated Public Works and the Town Attorney looked at this, and he noted he wanted additional meetings, and he doesn't recall being told the price would go up because he made this request. He noted it seems to make sense if they were coming four times instead of one time, it would be more. He stated his understanding the lion's share of this had to do with the PCBs and oversight of that issue. He noted he's neutral in regard to the meetings.

Commissioner Cekala questioned whether PCB's are common to find in projects such as this. Mr. Bromson stated the question had been raised as to whether it should have been discovered, and Mr. Flood stated PCB's were very prevalent in the early 60's and early 70's, not only in paint but in equipment that was constructed and fabricated for wastewater plants. He noted about two weeks before this project went into construction, Woodard & Curran heard that there was another project that was having similar change order requests for PCBs because they were finding the same equipment, paint and materials had been used. He noted that's the reason these PCBs came to light, and very quickly they learned the PCBs were there, and they were there in a lot of places.

Commissioner Cekala questioned where is the money for finding the PCBs coming from. Mr. Bromson stated that was from the contingency account as well as this. He assured the Council that they brought on top environmental lawyers when this first arose, and they had some very spirited meetings. He noted if anyone had missed the boat on this, they would have been held accountable. He stated Shipman & Goodwin are preeminent lawyers in the state, and they reviewed it quite thoroughly, and they believe because of the timeframe that this is one of those unforeseen circumstances that unfortunately due diligence would not have revealed.

Mr. Flood stated he sat through a lot of the early meetings when this was discussed because the number was much larger for PCB issues, but they were able to cut it more than in half. Mr. Bromson stated they did a good job, and as in many of these things, they question, push back and ultimately, they do the right thing. He stated they're not afraid to exercise their legal prerogatives in any case, so this was well vetted. He noted this is really the cost of them overseeing Nickerson to do it as opposed to them being responsible for it not being discovered in the beginning

Mr. Bromson stated he understands the point made about the meetings. He noted perhaps Mr. Flood can go back to them to remove that. He stated this is coming before the Council for this

very reason, and it doesn't mean the Council has to approve the entire thing. He suggested perhaps Mr. Flood could indicate to them that the Council is not comfortable with the meeting issue, and the Council is a go, but they'd have to deduct those additional meetings. He suggested Mr. Flood and the Director of Finance can do that tomorrow.

Chairman Ludwick questioned if Mr. Flood were to go out to bid on another project such as this, can it be assumed you would now find PCBs, and Mr. Flood responded yes, if the treatment plant was of the same vintage as Enfield's in terms of its construction during the late 1960's and early 1970's. He noted there are such treatment plants still in existence.

Mr. Bromson stated at the end of the day, Enfield has a very high-quality plant. He noted Nickerson works hard, and they're aggressive in their negotiations, but it's because they have a very good product and good reputation, and they've heard that from DEEP and their environmental lawyers. He stated there's a comfort level that they got an excellent product for the price they paid.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #4703** adopted by an 8-2-1, with Commissioners Bosco and Cekala voting against and Commissioner Kiner abstaining.

MISCELLANEOUS

There were no Miscellaneous items on this evening's agenda.

ADJOURNMENT

MOTION #4704 by Commissioner Muller, seconded by Commissioner Mangini to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #4704** adopted 11-0-0, and the meeting stood adjourned at 6:09 p.m.