

Brownfield Steering Committee
July 3, 2012

Members Present:

Ron Couture
Michael Dean
Bruce Clarke
Donna Neylon
Herb Chaffee
Richard Magwood
Lucinda Thompson

Members not present:

Doug Cameron
Brian Plumb
Terrance Smith

Representing Fuss & O'Neill, Inc.:

David Foss, CPG, LSP

Others present:

None.

Chairman Clarke opened the meeting at 8:35 am in the Kitchen of the Town Hall and then proceeded with the posted agenda:

Agenda:

1. **Brief recap of work performed** – passed over, although limited discussion of this topic was included in the context of Agenda Item 3, below.
2. **eDEP & DEP paperwork** –
Mr. Foss informed the Committee that all deadlines to date, including the June 30th 2012 deadline had been met. He gave the committee one hard copy and two computer disks of the “Class A3 Response Action Outcome and Release Abatement Measure Completion Statement” (RAO) for the Town’s files. After coordinating with Ms. Neylon, Mr. Foss communicated with the MassDEP during June 2012, to confirm the timing for submittal of the RAO, which is the regulatory closure document in accordance with the Massachusetts Contingency Plan (MCP). The June 30, 2012 deadline was specified in the Administrative Consent Order entered into between the Town of Brookfield and the MassDEP. Mr. Foss stated that as a matter of course, MassDEP audits all sites for which a deed restriction (Activity and Use Limitation; AUL) is filed. As such, it is expected that the RAO will undergo a MassDEP audit.
3. **Budget Review – Task Authorization Request**
Mr. Foss has communicated with Mr. Clarke and Ms. Neylon to confirm the types of activities and quantities of materials that are allowable for consideration for calculating the Town’s Match (20%) to address the requirement of the USEPA clean-up grant. According to the budget review as submitted by Mr. Foss (copy attached), the Town is well over the amount it needs to contribute in in-kind service and there is enough “margin” so that we can purchase fertilizer for the fall

and spring and additional grass seed for the project. Herb and Cindy will proceed with this purchase which must be completed during the month of July. Not taking into consideration the previously mentioned purchase, the Town has about \$15,000 in match “surplus”.

The majority of the meeting was spent discussing the Task Authorization Request which was from Fuss & O’Neill and requested an additional \$17,600 for labor. The breakdown includes \$6,600 for Task 00060 – Construction Documents; \$9,800 for Task 00070 – Construction Administration and \$1,200 for Task 00080 – RDA (Request Determination of Applicability). The Task Authorization Request was submitted to account for engineering labor time associated with tasks that were not included in Fuss & O’Neill’s original proposal, as those items had not been specified in the RFP issued by the Town for the project.

There was a lengthy discussion wherein members asked questions regarding the Task Authorization Request and Committee members also expressed their disappointment in not getting supporting information earlier especially because at the March 22nd meeting Mr. Foss had indicated there would be a cost overrun and he’d been asked to submit the information justifying the over-run at that time. Mr. Foss expressed his regret that the supporting information had not been provided sooner. He stated that he had prioritized the successful completion of the project. He said that he made the completion of the construction document and regulatory closure documents (RAO) by the June 30th deadline his highest priority, rather than prioritizing the contract administration.

Donna asked if the cost over runs were due to the way the RFP (Request for Proposal) was written. David said that the tasks outlined on the Task Authorization Request were and that the F&O labor was not an overage for the specific tasks included in the bid, as detailed in the RFP. The tasks included on the Task Authorization Request were omissions in the RFP all relating to construction documents and construction administration. The RFP that Donna wrote evolved from RFP’s used by other communities. The RFP template had been provided to the Town by the EPA. The scope of work and level of effort included in the template RFP was not an exact match for the scope of work for this project. The RFP had been reviewed and approved by certain individuals at the EPA, but apparently no one noticed this very important omission.

Donna explained that the Committee needs to be able to justify the additional costs to the Selectmen as it is they who authorize contracts, changes to contracts, change orders, etc. David agreed to give the committee a breakdown of the hours that were involved in the extra charge (Task Authorization Request) and the group agreed to post a meeting for 8:30 am on Thursday, July 12th.

Mr. Foss confirmed that based on the total project costs including all LSP (Licenses Site Professional) and environmental consulting services, Town purchases (supplies), and remediation contractor costs, the overall clean-up grant

expenditures are estimated to be \$155,000. As stated previously, the Town's Match requirement has been satisfied. Thus, of the \$200,000 EPA Clean-up grant, there will be a balance of unused funds at the project close-out. The \$155,000 budget is based on the assumption that Fuss & O'Neill's Task Authorization Request dated June 14, 2012 will be authorized.

4. **Plan ribbon cutting ceremony?** This was passed over to the next meeting except that David offered to help draft an official announcement should the committee decide to hold an official ceremony.
5. **Approve minutes (1/5/12; 3/22/12)** Passed over to the next meeting

At 9:37 am the meeting was adjourned because we lost our quorum.

Respectfully submitted,

Donna L. Neylon

Approved 7/12/12