

**A RESOLUTION APPROPRIATING \$10,600,000 FOR COSTS RELATED TO CONSTRUCTION, REMEDIATION, AND ADDRESSING THE NOTICE OF VIOLATION AT PENFIELD PAVILION**

**WHEREAS**, contaminated fill from the (Julian) fill pile was illegally deposited beneath Penfield Pavilion during construction;

**WHEREAS**, by state and federal law, the Town of Fairfield, Connecticut (the “Town”) is required to remove the fill in accordance with DEEP & EPA standards under a Consent Order;

**WHEREAS**, FEMA has determined the Town installed horizontal grade beams at a height that is in violation of federal floodplain management regulations;

**WHEREAS**, under federal law, the Town is required to bring Penfield Pavilion into compliance with FEMA regulations;

**WHEREAS**, the Town has received Notices of Violation from federal and state agencies that must be addressed.

**WHEREAS**, if the Town does not take corrective action by the end of March regarding the Notice of Violation, the Town faces a myriad of negative consequences that will impact residents and the Town;

**WHEREAS**, Penfield Pavilion is an asset to the community enjoyed by residents year round and cleaning the contaminated fill and lowering the grade beams is necessary to comply with all state and federal laws;

**WHEREAS**, the total costs for the remediation and construction at Penfield Pavilion, as well as, the cost to address the Notices of Violation is \$11,600,000 (the “Total Costs”);

**WHEREAS**, the Town previously allocated and approved \$1,000,000 in American Rescue Plan Act funding to be applied towards the Total Costs; and

**WHEREAS**, the Town is holding funds (the “Funds”) in its Capital Non-Recurring Fill Pile Remediation Account (the “Account”) and desires to appropriate \$10,600,000 of the Funds to finance the balance of the Total Costs; and

**NOW, THEREFORE, BE IT RESOLVED:**

As recommended by the Board of Finance and the Board of Selectmen, the Town hereby appropriates the following sums from the Capital Non-Recurring Fill Pile Remediation Account for the following purposes:

\$4,000,000 related to remediation at Penfield Pavilion;  
\$3,500,000 related to construction at Penfield Pavilion;  
\$3,000,000 related to work to address the Notices of Violation; and

\$100,000 to fund the hiring of a coastal engineering firm to study and update the previous resiliency study pertaining to Penfield Pavilion

**Fill Pile Appropriations, Expenditures, Encumbrances and Available Balance  
August 2022 versus February 2023**

as of 8-2-2022

<b>Funding Source</b>	<b>Appropriated</b>	<b>Expended</b>	<b>Encumbered</b>	<b>Available</b>
Operating Budget (9/1/16 - 6/31/19)	\$918,791	\$918,791	\$0	\$0
Surplus Transfers (10/21)	\$9,885,000	\$2,903,464	\$328,370	\$6,653,166
Town Bonding (Town)	\$1,484,000	\$1,251,173	\$45,653	\$187,174
Town Bonding (WPCF)	\$202,000	\$49,756	\$617	\$151,627
ARPA	\$1,000,000	\$0	\$0	\$1,000,000
<b>Total</b>	<b>\$13,489,791</b>	<b>\$5,123,184</b>	<b>\$374,640</b>	<b>\$7,991,967</b>

as of 2-8-2023

<b>Funding Source</b>	<b>Appropriated</b>	<b>Expended</b>	<b>Encumbered</b>	<b>Available</b>
Operating Budget (9/1/16 - 6/31/19)	\$918,791	\$918,791	\$0	\$0
Surplus Transfers (10/21)	\$9,885,000	\$3,217,081	\$204,479	\$6,463,440
Surplus Transfers (10/22)	\$8,400,000			\$8,400,000
Town Bonding (Town)	\$1,484,000	\$1,425,056	\$45,141	\$13,803
Town Bonding (WPCF)	\$202,000	\$50,373	\$0	\$151,627
ARPA	\$1,000,000	\$6,200	\$0	\$993,800
<b>Total</b>	<b>\$21,889,791</b>	<b>\$5,617,500</b>	<b>\$249,620</b>	<b>\$16,022,671</b>

Difference

<b>Funding Source</b>	<b>Appropriated</b>	<b>Expended</b>	<b>Encumbered</b>	<b>Available</b>
Operating Budget (9/1/16 - 6/31/19)	\$0	\$0	\$0	\$0
Surplus Transfers (10/21)	\$0	\$313,616	(\$123,891)	(\$189,725)
Surplus Transfers (10/22)	\$8,400,000			\$8,400,000
Town Bonding (Town)	\$0	\$173,883	(\$512)	(\$173,371)
Town Bonding (WPCF)	\$0	\$617	(\$617)	\$0
ARPA	\$0	\$6,200	\$0	(\$6,200)
<b>Total</b>	<b>\$8,400,000</b>	<b>\$494,317</b>	<b>(\$125,020)</b>	<b>\$8,030,703</b>



## Penfield Pavilion Conceptual Estimate

BISMARK CONSTRUCTION COMPANY  
203 - 876 - 8331



Construction  
Enabling and  
Restoration

		Construction Enabling and Restoration
10 00 00	<b>GENERAL CONDITIONS</b> GENERAL CONDITIONS	\$ 282,563
02 00 00	<b>EXISTING CONDITIONS</b> TEMPORARY SUPPORT PORCH ROOFS REMOVE BUILDING SKIRTING DEMO/REMOVE EXISTING DECKING Electric/Telephone/CTV Water/Fire Service Sanitary Sewer Gas Service TEMPORARY BUILDING SUPPORT DEWATERING TEMP POWER AND PHONE FOR FIRE ALARM	\$ 583,000
06 00 00	<b>WOOD, PLASTICS, AND COMPOSITES</b> STRUCTURAL WOOD FRAMING NEW BUILDING SKIRTING NEW DECKS, RAMPS, RAILINGS, & STAIRS	\$ 600,000
31 00 00	<b>EARTHWORK</b> FILL UNDER BUILDING TO NATURAL GRADE APPROX ELEV 8 Limited Access Granular Fill Unlimited Access PLACE FILL TO NEW EXTERIOR ELEVATIONS HELICAL PILES EXCAVATE BEACH TO ELEVATION 8 REMOVAL AND DISPOSAL OF STONE REVETMENT (TO BE VERFIED IN FIELD) TEMPORARY CONSTRUCTION FENCE W/PRIVACY SCREEN	\$ 935,000
32 00 00	<b>EXTERIOR IMPROVEMENTS</b> RE-LANDSCAPE AREA AROUND BUILDING NEW CONCRETE WALKS NEW CONCRETE WALK ALONG PARKING LOT ENTIRE LENGTH OF BUILDING AT ELEV. 8 NEW CONCRETE STAIRS	\$ 312,000
33 00 00	<b>UTILITIES (Assumption All Utility Tie Ins at End of Driveway)</b> RECONNECT UTILITIES Electric, Telephone & CATV Water and Fire Service Sanitary Sewers Gas Service UI SERVICE CHARGES (ESTIMATE) ROOF LEADER DRAINAGE SYSTEM	\$ 173,500
<b>TOTAL CONSTRUCTION COST:</b>		\$ 2,886,063

Excess Liability Insurance	
CM Pre Construction Fee	
P & P Bond Costs	
CONSTRUCTION MANAGER Fee	
P & P Bond Costs (Subcontractors)	
A/E Fees	
State of CT. BBLD Fee	
Fairfield Permit Fee	
Project Contingency	
Escalation	
<b>SUBTOTAL HARD COST:</b>	<b>\$ 3,334,224</b>
Builders Risk Insurance	
Testing and Special Inspections	
Owner Contingency	
<b>SUBTOTAL SOFT COST:</b>	<b>\$ 217,945</b>
<b>Construction Enabling and Restoration</b>	<b>\$ 3,552,169</b>



**Pennfield Pavillion Remedial Cost Estimate  
Excavate Soil in Cells with Building in Place  
Fairfield, CT**



TASK No.	DESCRIPTION	Total
<b>1</b>	<b>Planning, Engineering, Reporting, Closure &amp; Legal</b>	
	Investigation Work Plan/Regulatory Negotiations	
	Additional Soil Investigation	
	Remedial Action Plan/Regulatory Negotiations	
	Permitting (IWWA and P&Z)	
	Remediation Observation and Contract Coordination	
	Remedial Action Report	
	Consent Order Regulatory Filing	
	Construction Manager Fee	
	<b>Subtotal</b>	<b>\$ 605,176</b>
<b>2</b>	<b>Site Preparation &amp; Restoration</b>	
	Catch Basin Protection	
	Erosion Control	
	Pre-Remediation Stake-out survey	
	Construct Waste Storage Area	
	Construct Anti-Tracking Pad	
	Transport, Place and Compact Clean Backfill	
	Paving	
	<b>Subtotal</b>	<b>\$ 205,738</b>
<b>3</b>	<b>Remedation Sampling and Monitoring</b>	
	Waste Profile Sampling	
	Dust Control/Air Monitoring	
	Verification Sampling (Asbestos)	
	Verification Sampling (PCBs)	
	Verification Sampling (PAHs)	
	Verification Sampling (ETPH)	
	<b>Subtotal</b>	<b>\$ 150,085</b>
<b>4</b>	<b>Remediation</b>	
	Mobilization/Demobilization (Phase I - Exterior Work and Limited Demolition)	
	Excavation	
	PCB Vacuum Excavation	
	Asbestos Excavations Special Screening and Air Monitoring	
	Mobilization/Demobilization (Phase II and III - Beneath Building)	
	Vacuum Excavation Beneath Building (Solid Waste Only)	
	<b>Subtotal</b>	<b>\$ 2,477,800</b>
<b>5</b>	<b>Transport and Disposal</b>	
	ACM Soil	
	PCB Soil	
	Solid Waste Soil	
	<b>Subtotal</b>	<b>\$ 1,582,750</b>
	<b>TOTAL</b>	<b>\$ 5,021,549</b>



## Penfield Pavilion Conceptual Estimate

BISMARK CONSTRUCTION COMPANY  
203 - 876 - 8331



		DEMO & REBUILD FOUNDATIONS AT ELEVATION 8'
10 00 00	GENERAL CONDITIONS GENERAL CONDITIONS	\$ 204,520
02 00 00	EXISTING CONDITIONS DEMOLISH EXISTING FOUNDATION Limited Access	\$ 450,000
03 00 00	CONCRETE WORK	\$ 1,755,000
03 10 00	CAST IN PLACE CONCRETE FOUNDATIONS Limited Access ADDITIONAL CONCRETE ABOVE NEW FOUNDATION TO EXISTING GRADES	
TOTAL CONSTRUCTION COST:		\$ 2,409,520
Excess Liability Insurance CM Pre Construction Fee P & P Bond Costs CONSTRUCTION MANAGER Fee P & P Bond Costs (Subcontractors) State of CT. BBLD Fee Project Contingency Escalation		
SUBTOTAL HARD COST:		\$ 2,791,937
Builders Risk Insurance Testing and Special Inspections Owner Contingency		
SUBTOTAL SOFT COST:		\$ 260,630
DEMO & REBUILD FOUNDATIONS AT ELEVATION 8'		\$ 3,052,567



## Penfield Pavilion Conceptual Estimate AS the Required Town Process

BISMARK CONSTRUCTION COMPANY  
203 - 876 - 8331



		Demolish Main Building and Foundations
10 00 00	GENERAL CONDITIONS GENERAL CONDITIONS SITE LOGISTICS	\$ 326,000
02 00 00	EXISTING CONDITIONS TEMPORARY SUPPORT ROOF DISCONNECT EXISTING UTILITIES Electric/Telephone/CTV Water/Fire Service Sanitary Sewer Gas Service SEPARATE BUILDINGS DEMOLISH EXISTING STRUCTURE DEMOLISH EXISTING FOUNDATION DEWATERING CUT EXISTING WOOD PILES TO ELEVATION 6 TEMP POWER AND PHONE FOR FIRE ALARM	\$ 699,800
06 00 00	WOOD, PLASTICS, AND COMPOSITES RECONSTRUCT ROOF AT CHANGING BUILDING NEW DECKS, RAMPS, RAILINGS, & STAIRS NEW SKIRTING AT CHANGING BUILDING	\$ 345,000
26 00 00	ELECTRICAL RE-ESTABLISH SERVICE AND POWER PANELS AT CHANGING BUILDING	\$ 125,000
33 00 00	UTILITIES (Assumption All Utility Tie Ins at End of Driveway) RECONNECT UTILITIES Electric, Telephone & CATV Water and Fire Service Sanitary Sewers Gas Service UI SERVICE CHARGES (ESTIMATE)	\$ 72,500
TOTAL CONSTRUCTION COST:		\$ 1,568,300
Excess Liability Insurance CM Pre Construction Fee P & P Bond Costs CONSTRUCTION MANAGER Fee Current Master Plan Fee A/E Fees State of CT. BBLD Fee Fairfield Permit Fee Certificate of Occupancy Project Contingency Escalation		



SUBTOTAL HARD COST:	\$	1,821,047
---------------------	----	-----------

Builders Risk Insurance		
Testing and Special Inspections		
Owner Contingency		

SUBTOTAL SOFT COST:	\$	189,389
---------------------	----	---------


Demolish Main Building and Foudations	\$	2,010,436
---------------------------------------	----	-----------



**Pennfield Pavillion Remedial Cost Estimate**  
**Excavate Soil in Cells with Building Removed**  
**Fairfield, CT**



TASK No.	DESCRIPTION	Total
<b>1</b>	<b>Planning, Engineering, Reporting, Closure &amp; Legal</b>	
	Investigation Work Plan/Regulatory Negotiations	
	Additional Soil Investigation	
	Remedial Action Plan/Regulatory Negotiations	
	Permitting (IWWA and P&Z)	
	Remediation Observation and Contract Coordination	
	Remedial Action Report	
	Consent Order Regulatory Filing	
	Construction Manager Fee	
	<b>Subtotal</b>	<b>\$ 605,176.00</b>
<b>2</b>	<b>Site Preparation &amp; Restoration</b>	
	Catch Basin Protection	
	Erosion Control	
	Pre-Remediation Stake-out survey	
	Construct Waste Storage Area	
	Construct Anti-Tracking Pad	
	Transport, Place and Compact Clean Backfill	
	Paving	
	<b>Subtotal</b>	<b>\$ 205,738.00</b>
<b>3</b>	<b>Remediation Sampling and Monitoring</b>	
	Waste Profile Sampling	
	Dust Control/Air Monitoring	
	Verification Sampling (Asbestos)	
	Verification Sampling (PCBs)	
	Verification Sampling (PAHs)	
	Verification Sampling (ETPH)	
	<b>Subtotal</b>	<b>\$ 150,085.00</b>
<b>4</b>	<b>Remediation</b>	
	Mobilization/Demobilization (Phase I - Exterior Work and Limited Demolition)	
	Excavation	
	PCB Excavation	
	Asbestos Excavations Special Screening and Air Monitoring	
	Mobilization/Demobilization (Phase II and III - Beneath Building)	
	Excavation Building (Solid Waste Only)	
	<b>Subtotal</b>	<b>\$ 1,440,400.00</b>
<b>5</b>	<b>Transport and Disposal</b>	
	ACM Soil	
	PCB Soil	
	Solid Waste Soil	
	<b>Subtotal</b>	<b>\$ 1,582,750.00</b>
	<b>TOTAL</b>	<b>\$ 3,984,149.00</b>

	Penfield Pavilion Basic Necessities Estimate		
	Low End	High End	Average
Lifeguard Shack	\$ 200,000	\$ 400,000	\$ 300,000
Concessions	\$ 750,000	\$ 1,700,000	\$ 1,225,000
Bathrooms	\$ 250,000	\$ 750,000	\$ 500,000
Covered Deck	\$ 250,000	\$ 750,000	\$ 500,000
Average Total			\$ 2,525,000

\*Many factors can effect construction costs such as, purpose, size, and building materials\*

## Fill Pile Balances and Proposed Penfield Costs (BOS)

as of 2-8-2023

Funding Source	Appropriated	Expended	Encumbered	Available
Operating Budget (9/1/16 - 6/31/19)	\$918,791	\$918,791	\$0	\$0
Surplus Transfers (10/21)	\$9,885,000	\$3,217,081	\$204,479	\$6,463,440
Surplus Transfers (10/22)	\$8,400,000			\$8,400,000
Town Bonding (Town)	\$1,484,000	\$1,425,056	\$45,141	\$13,803
ARPA	\$1,000,000	\$6,200	\$0	\$993,800
<b>Total</b>	<b>\$21,687,791</b>	<b>\$5,567,128</b>	<b>\$249,620</b>	<b>\$15,871,043</b>

### BOS Penfield Proposal

Remediation	\$5,000,000
Construction	\$3,500,000
NOV	<u>\$3,000,000</u>
<b>Total</b>	<b>\$11,500,000</b>

**Balance Available      \$4,371,043**