

TOWN OF RYE
RECORD OF PROCEEDINGS
October 23, 2024

Call to Order/Roll Call

Marty Rahl called the Emergency Meeting to order at 6:00 p.m. at the Town Hall at 2067 Main Street in Rye, Colorado. Those in attendance were as follows: Marty Rahl, Mayor; Kathy MacCormack, Mayor Protem; Patrick Ryan, Trustee; Geoff Pagnotta, Trustee; Aimee Kramer, Trustee; Sandra Steele, Trustee; Markus Buck, WTP Operator; Matt Smith, WTP Operator; and Jocelyn Ensley, Town Clerk. Those absent were: Heidi Miller, Trustee.

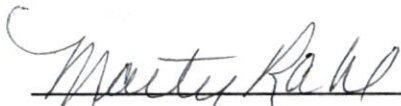
Regular Meeting

Marty Rahl stated that on Tuesday, October 22, 2024, the Town was scheduled with Filter Tech Systems and Direct Discharge Consulting to finalize GAC Filtration Start-up. On Monday, October 21, 2024, Filter Tech Systems Technician requested access to the water treatment plant to review things prior to Start-up. Upon reviewing all equipment and supplies on sight Filter Tech Systems Technician confirmed through verbal confirmation to staff onsite and through email that the GAC Start-up will have to be delayed due to the laterals not being installed into the GAC vessels by the manufacturer. Geoff Pagnotta drew a model of the GAC vessel and laterals that have to go inside of the vessels and explained the magnitude of this issue. Jocelyn Ensley went through the timeline of events and the email threads containing details of logistics and months of planning and organizing between the Town, Filter Tech, and Direct Discharge. Marty Rahl stated that on Tuesday, October 22, 2024, she, Jocelyn Ensley, Ethan with Direct Discharge, and Tyler & Deb with Filter Tech had a meeting to discuss how the situation will be resolved. Marty explained to the Board that Filter Tech's recommendation was to purchase multiple shop vacs, hoses and sanitary containers to remove the media in a way that it can be reused, and that Filter Tech was willing to be onsite but will not perform the work. Once the GAC Media is removed, both of the vessels will have to be removed from the building so that Filter Tech Systems is able to install the laterals. Once the laterals are installed the vessels can be moved back into the building and reloaded with GAC Media. Then it will need to be replumbed and startup can be initiated. Jocelyn Ensley explained that Filter Tech Systems should contact their manufacturer and have this resolved but ultimately, they believe it is manageable to handle onsite. Marty Rahl stated that after the meeting, a follow up call with Direct Discharge, Jocelyn Ensley and herself was had and Direct Discharge laid out the terms they felt comfortable with, if they were to continue working on the GAC project. The Board reviewed a letter prepared for Filter Tech Systems that outlines the items that need to be completed, fixed, or replaced and which company will be responsible for each item. The board discussed the matter at length. Jocelyn Ensley read aloud emails from Tyler at Filter Tech Systems which stated that the laterals had been installed by the manufacturer prior to delivery

and later he supported that statement in another email, stating that the instructions to install the laterals are not included. Due to this very specific finding, the Board agreed that Filter Tech Systems needs to be held responsible for correcting the issue. Aimee Kramer asked if it is possible to have new equipment sent to replace what the Town was supposed to receive. The Board agreed that asking for a replacement is a better option than Filter Techs idea. The Board started discussing how Filter Tech Systems breached the contract by not being onsite as stated within Proposal No. 23-1546b. The Board discussed other companies that may be able to take over the project from the beginning. The Board instructed Jocelyn Ensley to contact Direct Discharge Consulting to get a quote for the GAC Project in its entirety and determine if they can complete the project before the end of 2024 using the current design approved by CDPHE. The Board of Trustees instructed Jocelyn Ensley to edit the letter to include the following and send to the attorney for review and approval: "based on Proposal No. 23-1546b and email threads between all parties , the Board of Trustees believes Filter Tech Systems to be in breach of Proposal No. 23-1546b and requests to be refunded in full for the amount of \$61,100.00 and to have all property supplied by Filter Tech Systems removed from the Town of Rye Water Treatment Plant located at 8170 Park Road Rye, CO 81069 no later than December 6, 2024. If the Towns request is not met by the deadline, the Town will also request to be reimbursed a total of \$25,000.00 due to the loss of the small communities' grant funded by CDPHE that can only be used during the 2024 year". The Board instructed Jocelyn Ensley to send the letter to the Town Attorney for review, edit, and approval prior to sending it to Filter Tech Systems.

Adjournment

At 7:40 p.m., Patrick Ryan made a motion to close the Emergency Meeting. Sandra Steele seconded the motion. The motion passed unanimously.



Marty Rahl, Mayor



Jocelyn Ensley, Town Clerk

**The Next Regular Board Meeting will be held on
November 13, 2024, at 6:00 pm at the Town Hall at 2067 Main Street, Rye, CO 81069
The public is encouraged to attend.**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the Rye Town Clerk at 719-489-2011. We would appreciate if you would contact us at last 48 hours in advance of scheduled events so arrangements can be made to locate the requested auxiliary aid(s).