

**VILLAGE OF WINDSOR  
VILLAGE BOARD RESOLUTION 2022-82**

**AWARDING A CONTRACT FOR THE SOIL AND STRUCTURE ENVIRONMENTAL REMEDIATION  
(PHASE 2) CONSULTING SERVICES FOR 4457 & 4459 SECOND STREET AND 6758 DEPOT STREET**

**WHEREAS**, the Village of Windsor has completed the Phase 1 Environmental Remediation Findings and has a desire to complete Phase 2 Environmental Remediation Demolition and Construction consulting services for the properties located at 4457 & 4459 Second Street and 6758 Depot Street (the "Services"); and

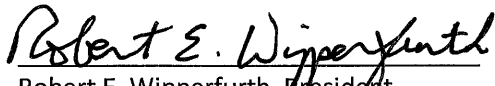
**WHEREAS**, the Village of Windsor has the opportunity to complete the Services, attached hereto as Exhibit A; and

**WHEREAS**, the Village of Windsor staff recommends the hiring of Foth to complete the Services; and

**NOW THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Windsor that it hereby awards the contract for the Services by Foth in the amount of \$33,500 in accordance with the proposal attached hereto as Exhibit A.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor on October 20, 2022, by a vote of 5 in favor and 0 opposed.

**VILLAGE OF WINDSOR**

  
Robert E. Wipperfurth, President

**Attested by:**

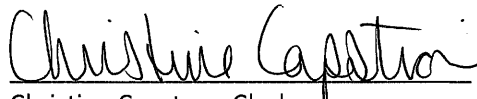
  
Christine Capstran, Clerk

Exhibit A: Foth Proposal



5117 West Terrace Drive, Suite 401  
Madison, WI 53718  
(608) 242-5900  
foth.com

October 13, 2022

Tina A. Butteris  
Administrator  
Village of Windsor  
4084 Mueller Road  
DeForest, WI 53532

RE: Village of Windsor Municipal Campus - Farmers Market Development  
Proposal for Demolition and Construction Related Environmental Materials  
Management Support

Dear Tina:

Thank you for the opportunity to provide a professional services proposal for the above referenced project. Per our review of the environmental files associated with the proposed Farmers Market properties and a review of potential redevelopment grant opportunities, Foth Infrastructure & Environment, LLC (Foth) proposes to provide the following assistance to the Village of Windsor (Village) to help move the Farmers Market site redevelopment forward:

- ◆ Prepare and submit the Post-Closure Modification to the Continuing Obligations under Wis. Admin. Code NR 727.07. As part of the Post-Closure Modification, Foth will prepare a Materials Management Plan (MMP) to address dealing with any impacted soil or groundwater encountered during demolition or construction. The MMP shall be provided as part of the modification.
- ◆ Prepare demolition and construction specifications (including waste disposal and vapor barrier installation) and assist the Village in procuring a demolition and/or construction contractor.
- ◆ Provide a field representative to monitor excavated soils for contamination during demolition and construction activities.
- ◆ Provide a field representative to document demolition and construction activities.
- ◆ Re-evaluate redevelopment grant and other funding programs after Foth and the Village have defined the future scope of work at the site.

This work is discussed in more detail in the attached proposal.

At Foth, we believe in doing quality work and creating strong relationships and look forward to the opportunity to continue to work with you with the execution of this project. Please contact Bob Meller at (920) 655-7529 or [bob.meller@foth.com](mailto:bob.meller@foth.com) or Tom Ludwig at (414) 336-7905 or [tom.ludwig@foth.com](mailto:tom.ludwig@foth.com), if you have questions or would like to discuss our proposal.

Tina Butteris  
Village of Windsor  
October 13, 2022  
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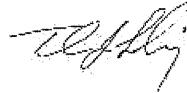
At Foth, we thrive on taking on our clients' toughest science and engineering challenges, and thoughtfully applying an appropriate solution. We look forward to helping you with the proposed redevelopment tasks.

Sincerely,

Foth Infrastructure & Environment, LLC



Robert J. Meller, P.G.  
Lead Environmental Scientist  
Licensed in WI



Thomas J. Ludwig, P.E.  
State Operations Director  
Licensed in WI

cc: Jamie Rybarczyk, Deputy Administrator/Director of Economic Development  
Joe Liebau, Foth, Client Team Leader

Enclosure

**Village of Windsor  
Farmers Market Redevelopment Support  
Village of Windsor  
October 10, 2022  
Scope of Work**

**I. Our Understanding of Your Project**

The Farmers Market site is proposed to be built on a group of parcels that were environmentally investigated over the past several years during preplanning for future development, as well as two parcels that were not investigated. The parcels are located from 6746 to 6778 Depot Street and 4456 to 4459 Second Street in the Village of Windsor (Village), Dane County, Wisconsin.

Foth Infrastructure & Environment, LLC (Foth) was hired to review and summarize historic documents related to known environmental impacts that are associated with the properties in question. Foth identified the following contamination related findings and recommendations in our September 9, 2022, Results of Research of Existing Environmental Data and Redevelopment Grant Options memorandum.

- ◆ There is residual soil and groundwater contamination located at a depth of approximately 8 to 9 feet below the ground surface at the northwest corner of the site near the intersection of Depot and Second Streets.
- ◆ As the current landowner of the property, the Village is under Continuing Obligations (CO) based on the Final Closure letter dated May 20, 2013. The letter states: *"All current and future landowners and occupants of the property need to be aware that excavation may pose a hazard. Special precautions may be needed to prevent inhalation, ingestion, or dermal contact with the residual contamination when it is removed. If soil is excavated, the property owner at the time of excavation must have the soil sampled and analyzed to determine if residual contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation must determine whether the material would be considered solid or hazardous waste and ensure any storage, treatment, or disposal is in compliance with applicable statutes and rules."*
- ◆ The Wisconsin Department of Natural Resources (WDNR) will require that the Village submit a Post-Closure Modification to the CO under Wis. Admin. Code NR 727.07. As part of the Post-Closure Modification, the WDNR recommends that a Materials Management Plan (MMP) be prepared to address dealing with any impacted soil or groundwater encountered during demolition or construction. The MMP shall be provided as part of the modification. Foth recommends completing this document as a next step in the development process.
- ◆ The proposed redeveloped pavement and structures appear to provide an adequate cap over the residual contamination as part of the CO for the site.

- ◆ Based on the depth and location of the impacted soil and groundwater, the likelihood of contact during the demolition of the three site buildings is relatively low.
- ◆ Based on the depth and location of the impacted soil and groundwater, the likelihood of contact during the construction of the pavilion foundation is also relatively low.
- ◆ The Village should be prepared to have a representative available to monitor excavated soils for contamination during demolition and construction activities.
- ◆ Any contaminated soils will need to be disposed in accordance with the CO for the site.
- ◆ Any uncontaminated soils, pavement, or aggregate generated during demolition activities can be re-used or disposed as clean fill but the final disposition of the material must be documented for submittal to the WDNR along with the estimated volume of each type of material placed on site or hauled off site.
- ◆ The Village should consider installing a vapor barrier under the enclosed areas (the office and restrooms) of the pavilion structure with the means to allow for passive or active venting if needed. If the Village intends to enclose the pavilion structure for winter use in the future, a vapor barrier should be installed under the foundation of the entire pavilion structure. Currently, vapor barriers are estimated to cost approximately \$1.00 to \$1.50 per square foot installed. It is important to note that at the time this memorandum was written, construction material costs and availability are highly variable.
- ◆ In 2020 and 2021, ATI performed asbestos and lead paint analyses on the three remaining buildings at the site. The testing found a significant amount of buried linoleum, mastic, and plaster in the buildings that will need to be removed prior to demolition. No concrete tested positive for lead paint. ATI recommended that a WDNR abatement/demolition permit be procured for the buildings.
- ◆ Foth has contacted agency program managers to discuss the eligibility of the proposed site and re-development activities for the Windsor Farmers Market project. Our findings were noted in the September 9, 2022, memorandum. Foth noted that further project detail is needed prior to re-evaluating the potential grant options and applying for said grants.

## **II. Scope of Services**

Foth will provide the services as defined below:

### **Task 1**

- ◆ Prepare a Post-Closure Modification to the CO under Wis. Admin. Code NR 727.07. As part of the Post-Closure Modification, Foth will prepare an MMP to address dealing with any impacted soil or groundwater encountered during demolition or construction. The MMP shall be provided as part of the modification.

### **Deliverable**

The post closure modification request and MMP will be submitted to the WDNR, along with the required review fee which is included as part of Foth's cost for this task.

### **Task 2**

Prepare demolition and construction specifications (including waste disposal and passive vapor barrier installation) and assist the Village in procuring a demolition and/or construction contractor.

### **Deliverable**

The demolition and construction specifications for waste disposal and vapor barrier installation will be provided to the Village and its development contractor for inclusion in a construction bid package. Foth will assist the Village in procuring a demolition and/or construction contractor.

### **Task 3**

Provide a field representative to monitor excavated soils and document demolition and constructions activities on an on-call basis.

### **Deliverable**

A daily report will be provided to a Village representative within 24-hours for each day on site.

### **Task 4**

Re-evaluate redevelopment grant opportunities and other funding programs after the Village has further defined the future scope of work at the site. Provide support for the preparation of up one on grant application.

### **Deliverable**

Provide the Village with a summary of our grant opportunities re-evaluation once further design details are known on the project. Provide assistance with preparing an application for one grant opportunity.

## **III. Client Responsibilities**

The Village is responsible for the following information and activities:

- ◆ Provide a single contact source for review, comment, and decision making on all issues related to the project.

## **IV. Schedule**

Foth proposes to complete the project according to the following schedule, unless circumstances beyond our control require modification of the schedule.

Foth can begin the Task 1 and Task 2 activities upon approval of this proposal and written notice to proceed per the approved base agreement and anticipate completing of both Tasks within 4 weeks from the Notice to Proceed.

Task 3 will be conducted on an "as needed basis," but we request as much notice as possible if the Village requires Foth's services for daily observation activities.

Task 4 will begin once the Village has further defined the Farmers Market development scope and directed Foth to support further grant research and application preparation. We anticipate completion of the work through preparation of a grant application to take 3 weeks.

## **V. Reimbursement**

Foth proposes to complete the work described in our scope of services in this proposal on a lump sum basis per task. Below is our cost breakdown per task.

Task 1 – WDNR Closure Modification Request and Materials Management Plan. Includes up to two conference calls with WDNR and one round of responses to comments. \$8,500

Task 2 – Prepare demolition and construction specifications for waste disposal and passive vapor barrier construction. Includes responses to up to two reviews of specifications by client. \$9,500

Task 3 – Provide a field technician to monitor soil excavation activities and document building demolition and construction activities on an on-call basis. Assumed at 10 site visits for an estimated fee (dependent on if contaminants are found and contractor progress) \$11,000

Task 4 – Provide supplemental grant research and support preparation of one grant application. \$4,500

## **VI. Work Performed by Others**

The following work will be contracted separately and is not a deliverable through Foth:

- ◆ All analytic testing will be contracted directly through the Village as this is an unknown cost at this time.
- ◆ Soil excavation, demolition, disposal, and construction activities.
- ◆ Additional design support.

## **VII. Optional Services**

Through the development of this project, additional items may be necessary for the completion of the project. If these items are required, they would be considered extra services and additional compensation would be warranted. Compensation for such

services may be negotiated at a future time, as desired. The following is a list of these possible services:

- ◆ Preparation of WDNR and Dane County storm water construction permits.
- ◆ Administration services for any successful grants.

### **VIII. Assumptions**

The following assumptions are in effect:

- ◆ Task 4 only includes assistance with the preparation of one grant application. Additional grant applications and grant administration support can be provided at additional cost.
- ◆ No soil analytic testing is included in Foth's scope. These will be contracted through the Village.

### **IX. Agreement to Proceed**

Our services will be provided in accordance with the Master Agreement for Services terms and conditions (Terms) with The Village of Windsor dated July 13, 2022.





# Windsor

Growing Forward

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## SUMMARY SHEET

**Meeting Date:** October 20, 2022

**Presenter & Contact Information:** Jamie Rybarczyk  
Director of Economic Development  
jamie@windsorwi.gov  
608-888-0066

Tina Butteris  
Administrator  
tina@windsorwi.gov  
608-888-0066

**Title:** #8.c. Resolution 2022-82 Award Contract for Second Street and Depot Street Properties Environmental Remediation

**Previous Action:** N/A

**Issue Summary:** On July 21, 2022, the Village Board approved a contract for Foth to conduct a review of the prior Phase 1 and Phase 2 environmental studies, discuss the Village's vision with the Wisconsin Department of Natural Resources, and identify the next steps for the Village.

Based on the above mentioned, Foth has identify the next steps as:

1. Prepare and submit the Post-Closure Modifications per Wis. Admin. NR 727.07;
2. Prepare demolition and construction specifications and assist the Village in procuring a contractor;
3. Provide field representative to monitor excavation;
4. Document demolition and construction activities; and
5. Re-evaluate grant-funding programs and prepare one (1) grant application.

If analytic soil testing is required based on the demolition and construction activities, this cost will be in addition to the identified scope of services and paid for by the Village.

If approved, the work will be completed under the current Master Agreement for Services terms and conditions approved on August 2, 2022.

**Budget Impact:** Not-to-Exceed \$33,500  
Account #: 004-00-57331-000-792  
2020A Borrowing

**Staff Recommendation:** Staff recommends the Village Board approve Resolution 2022-82 as presented.

**Sample Affirmative Motion:** (Village Trustee) make a motion to approve Resolution 2022-82 as presented.

**Attachments:** Resolution 2022-82