

August 3, 2011 - Special Town Council Meeting

At a Special Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Wednesday, August 3, 2011 at 5:00 P.M.

Council President Arthur S. Weber, Jr., Presiding

Vice President Bruce J. Long

Councillor Richard Cambra

Councillor Christopher T. Semonelli

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Councillor Edward J. Silveira, Jr., Absent

POSTED – August 1, 2011

Wendy J.W. Marshall, Town Clerk

Town of Middletown

Town Hall – 350 East Main Road

Middletown, Rhode Island 02842

Dear Mrs. Marshall:

Pursuant to the provisions of Article II, Section 203 of the Town Charter and in accordance with Sections 42-46-2., 42-46-4. and 42-46-6., RIGL, I hereby call a Special Meeting of the Town Council to formally consider, discuss and act upon the following items of business:

PLEDGE OF ALLEGIANCE TO THE FLAG

- 1. Memorandum of Town Administrator with enclosures, re: Award of Contract – Esplande Drainage Improvements.**
- 2. Resolution of the Council, re: Award of Contract for Esplande Drainage Improvements.**
- 3. Memorandum of Town Administrator, with enclosures, re: Contract Amendment: Engineering Services – Esplande Drainage Improvements.**
- 4. Resolution of the Council, re: Contract Amendment: Engineering Services – Esplande Drainage Improvements.**

**Said meeting will be held on Wednesday, August 3, 2011, at 5:00 P.M.
at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode
Island 02842.**

Arthur S. Weber, Jr., President

Middletown Town Council

cc:

Town Council

Public Library

Finance Director

Town Administrator

Town Solicitor

Public Works Director

Middletown Public Library

Town Engineer

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before the meeting.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication and convene said meeting.

Also present were Town Administrator Shawn Brown, Town Solicitor Michael W. Miller and Finance Director Lynne Dible.

1. Memorandum of Town Administrator with enclosures, re: Award of Contract – Esplande Drainage Improvements.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Town Administrator Shawn Brown reviewed the following memorandum entered here:

Mr. Brown reviewed the bid and funding for the Esplande Project, noting that HK & S was a non-responsible bidder and negotiations with CB Utility were in accordance with state law. DEM has increased requirements for the project.

Finance Director Lynne Dible reviewed the following:

Robert Rafferty, representing Woodard & Curran, addressed the Council explaining the permit requirements include restoration of the bluff and ledge. Mr. Rafferty noted there is a narrow easement restricting the area for pipe and equipment; construction must be approved by DEM who is concerned with water quality and CRMC who is concerned with coastal features. Mr. Rafferty expressed confidence that CB Utility will be able to satisfy all requirements of the project.

Vice President Long questioned the possibility of an increase in the project cost.

Town Administrator Shawn Brown, responding to Vice President Long, explained that the approach to the project fits within the budget, however; there is always a risk of increase.

Councillor Semonelli questioned the start and finish dates of the project along with if the increase in the budget will alter other Town projects.

Robert Rafferty, representing Woodard & Curran, responding to Councillor Semonelli noted that the project will begin immediately after Labor Day and be completed by May 25, 2012.

Town Administrator Shawn Brown, responding to Councillor Semonelli, explained that the increase of the project budget may alter the construction of the park in the Newport Avenue area.

Town Solicitor Michael W. Miller noted that the next item of business is the resolution awarding the contract, explaining that Town ordinance requires choosing the lowest responsible bidder. Mr. Miller reviewed the memorandum from Woodard & Curran, entered below, that includes a preliminary determination that HK & S is a non-responsible bidder, which should be noted in the passage of the resolution of the contract.

Councillor VonVillas moved, duly seconded, it was voted

unanimously to adopt the recommendation of Woodard & Curran, which includes the determination that HK & S is a non-responsible bidder.

Vice President Long read the following item of business.

2. Resolution of the Council, re: Award of Contract for Esplande Drainage Improvements.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously that based upon the recommendation of Woodard & Curran, as set forth in their letter of August 1, 2011, HK&S, as the low bidder, is found to be non-responsible and the contract is awarded to the lowest responsible bidder, CB Utility.

3. Memorandum of Town Administrator, with enclosures, re: Contract Amendment: Engineering Services – Esplande Drainage Improvements.

Town Administrator Shawn Brown reviewed the following memorandum entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

4. Resolution of the Council, re: Contract Amendment: Engineering Services – Esplande Drainage Improvements.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

On motion of Councillor Viveiros, duly seconded, it was voted unanimously to adjourn this meeting at 5:35 P.M.

Wendy J.W. Marshall, CMC

Town Clerk

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