

MiddletownPatch

Middletown Will Borrow \$3 Million to Meet Stormwater Lawsuit Requirements

By: Angela Lemire
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The [Middletown Town Council](#) on Tuesday night voted to approve the borrowing of \$3 million for stormwater design and engineering measures aimed at reducing runoff pollutants from contaminating Easton's Bay, closing beaches and endangering shellfish, as ordered by a 2007 lawsuit.

Following a presentation showing preliminary conceptual designs and strategies for preventing and diverting [stormwater](#) with high bacteria levels from entering Easton's Beach in Newport and Atlantic Beach in Middletown, the vote to approve a \$3 million bond initiative passed 6-0, with Councilor Edward Silveira absent from Tuesday's meeting.

"We've reached a stage where we're 30-plus percent through with the design phase," Town Administrator Shawn Brown told the council Tuesday night, noting the ongoing work of the firm Woodard and Curran, whose engineers also provided an overview Tuesday night.

The scope of the project involves diverting Middletown's stormwater from entering the City of Newport's neighboring retaining pond across from Easton's Bay, often referred to as "the duck pond." Engineers also hope to slow down and prevent high-level bacteria runoff from reaching the south shore, while simultaneously diverting other stormwater sources off the coast through a diffuser between Easton's Bay and Sachuest Bay. The deeper ocean waters would naturally disperse the runoff bacteria to safer, reduced concentration levels, according to engineers' presentation Tuesday night.

"We're at the point now where we could go to design, and put it out for bid in February with construction to start in the spring," Brown told the council.

Until Tuesday night's council vote, the missing piece of the puzzle was the funding.

At Brown's recommendation, the Town Council exercised its right to approve the borrowing of \$3 million on its own authority, citing Rhode Island state law RIGL 45-12.2 that permits municipal governments to take on borrowed debt without approval by voter referendum to help pay for lawsuits or settlements not covered by insurance. In 2007, Middletown and the state Department of Environmental Management (DEM) entered into a [Consent Agreement](#) for the town to mitigate stormwater runoff and put measures in place to prevent stormwater originating in Middletown from polluting Easton's Bay.

The \$3 million estimated price tag would cover additional engineering and construction costs, said Brown.

Voters in November approved a [\\$2 million bond](#) measure for the town to perform road and storm drain repairs in the Continental Drive neighborhoods. The additional \$3 million in bonds approved by the Town

Council Tuesday night would be financed together for a total \$5 million bond package, according to Brown's memorandum to the council.

None of the council members at Tuesday's meeting took issue with approving the additional \$3 million bond.

"These things are required by law," noted Council President Art Weber. "It's not something we have to do, or have the extra money to do and are looking for a project. We have to do it."

Councilor Antone Viveiros, who often advocates for voter approval, especially when it comes to big-ticket items, said he also voted in support of the measure because of the town's legal obligation. "We settled the lawsuit and we'd said that we'd do a certain amount of things to correct that, and now we have to come up with the money," he said following the meeting.