

REC'D May 31, 1974 AT TOWN CLERK
A.M.
P.M.

TOWN OF DURHAM

Office of the Selectmen · Connecticut 06422

A. Reed Hayes,
First Selectman

Carl N. Otte,
Majority Selectman

Richard C. Parmelee, Jr.
Selectman

Minutes of Meeting of the Board of Selectmen May 23, 1974

Present: A. Reed Hayes
Carl N. Otte
Richard C. Parmelee, Jr.

1. RESOLVED, that the Board will, and hereby does accept with regret the resignation of James W. McLaughlin from the Durham-Middlefield Interlocal Sanitary Landfill Agreement Committee. The appointment to fill Mr. McLaughlin's unexpired term will be made a future date.
2. RESOLVED, that the following ordinance be, and it hereby is, recommended by the Board of Selectmen for approval at the 24 June 1974 Special Town Meeting, subject to final review by Town Counsel:

An ordinance relating to the construction of new roads in the Town of Durham.

The purpose of this ordinance is to establish municipal authority over all new road construction in the town add to delegate authority for control, rule-making, and enforcement.

SECTION I ROAD STANDARDS AND SPECIFICATIONS

The Board of Selectmen is hereby empowered to promulgate and mandate road standards and specifications for all new road construction, whether on contract to the Town or in a proposed subdivision.

SECTION II. ADMINISTRATIVE AGENT

The First Selectman or his designated agent shall be the Administrative Agent to receive maps as noted herein and to make inspection of private streets, sewers drains, sidewalks, or other improvements as may be required to assure compliance with these regulations and to carry out such other duties as may be required of him by these regulations or by and with the Board of Selectman.

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SECTION III. ENGINEERING AND SURVEYING PLANS AND PROCEDURES.

Three (3) paper prints of the proposed road plans shall be submitted to the Board of Selectmen for approval. The scale of the plan shall be 1" = 40' and shall be sealed by a Connecticut Licensed Professional Engineer as being in full compliance with the aforementioned road standards and specifications and shall include, but not be limited to, details of road design (including both horizontal and vertical alignment,) drainage systems (including the design and location of all structures and pipe,) and sewage disposal and/or water supply systems (if applicable,) as well as such other details as the Board of Selectmen may require.

The scale of the profile plan shall be adapted to standard Plan Profile paper. The size of the sheets shall not exceed 24" and 36".

Evidence shall be given that the boundaries within which the construction is to take place have been established by a Connecticut Licensed Surveyor.

SECTION IV. PERFORMANCE BOND

Upon approval of road plans by the Board of Selectmen, the developer or contractor shall file with the First Selectman a performance bond as follows:

In the case of the construction of a road under contract to the town, the bond shall be in the full amount of the contract in order to secure to the town the satisfactory completion of the work.

In the case of the construction of a road or roads in a proposed subdivision the bond shall be in an amount as established by the Board of Selectmen as sufficient to secure to the town the actual installation of all proposed improvements and the satisfactory completion of the work. In this case, the Planning and Zoning Commission shall not give final approval of any proposed plan of subdivision, nor shall the developer sell, or offer to sell, any land in the proposed subdivision until said bond has been filed and notification of acceptance given in writing by the First Selectman.

All performance bonds shall be by surety companies licensed to do business in the State of Connecticut and shall be written in accordance with a form supplied by the town, which shall be satisfactory to Town Counsel as to form, sufficiency, and manner of execution. In lieu of a performance bond, the developer or contractor may, at his option, deposit with the Treasurer of the Town of Durham cash or certified check in the required amount.

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SECTION V. PETITION AND TITLE CERTIFICATE

After the completed road, or portions thereof, have passed all inspections as provided for in the road standards and specifications, the developer or contractor must petition the Board of Selectmen, on forms provided by the Board, requesting the Board to recommend acceptance of the road to a future special or regular town meeting. At the same time, the petitioner shall furnish the First Selectman at the petitioner's expense a title certificate of any interest in property to be conveyed or granted to the town. After approval by the Board of Selectmen, the Board shall schedule town meeting action within 45 days provided, however, that an acceptable maintenance bond shall have been delivered to the Board of Selectmen as required in Section VI. No recommendation for final acceptance of a road by the town shall be given by the Board of Selectmen until the construction of all public improvements have been completed in accordance with the approved plans and profiles, except as provided for in Section VII.

SECTION VI. MAINTENANCE PERIOD AND MAINTENANCE BOND

Prior to final acceptance of the road by the town, the developer or contractor shall file with the Board of Selectmen an acceptable surety company bond (or cash or certified check) in an amount as established by the Selectmen sufficient to secure to the town the full maintenance of the road, excluding snow removal service, for a period of one year from the date of final acceptance.

Upon final acceptance, the maintenance bond shall become effective and the Board of Selectmen shall release the ~~10%~~ performance bond required under Section IV.

100%

During the one-year maintenance period, the contractor or developer shall, when notified by the Board of Selectmen, promptly and at his own expense repair all failures in the construction and operation of roads, drainage structures, appurtenances, bridges, and other public improvements as may occur during the one-year maintenance period. He shall similarly repair all defects, settlements, and irregularities of the structures and appurtenances of drains, pipes, mains, conduits, curbs, gutters, sidewalks, road surfacing, land turfing or any other structures in the highway right-of-way occurring or detected during the maintenance period.

If the contractor or developer fails to remedy any such defects within a reasonable time, the Selectmen may without prejudice to any other remedy and after having given thirty (30) days advance written notice to the contractor or developer and the surety company involved cause the required repairs to be made and bill the contractor or developer or surety company for the cost of the work involved.

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SECTION VII. PARTIAL RELEASE

Application may be made to the Board of Selectmen for approval of a portion or portions of the total approved work. Such portion or portions must be extended from an existing town road, and must be fully completed prior to petition for approval. If such approval is given, a pro-rated reduction in the performance bond or deposit may be allowed. In this case, all provisions of the above sections apply with full force except that, if a pro-rated reduction in the performance bond is allowed, the maintenance period and the maintenance bond as provided for in Section VI may be required for a two year period.

SECTION VIII. CERTIFICATES OF OCCUPANCY

No certificate of Occupancy may be issued for a new home on a new town road until such road has been accepted by the town.

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D This ordinance is effective on July 1, 1974.

3. Preliminary discussions were held on the subject of proposed new road specifications and standards for the town. Adoption is scheduled to take place in July. A Copy of the preliminary draft is available for review by interested persons.
4. The Foot Hills Road improvement project will begin on Wednesday, 29 May 1974. The low bid out of five for a backhoe and operator was submitted by Wimler Construction Co. and was so awarded by the 1st. Selectman.
5. Town Engineer's engineering recommendations relative to the Creamery Road bridge project were received and approved in concept by the Board pending concurrence of adjoining property owners. Bids will be let by Mid-June.

The Creamery Road drainage improvement project is temporarily delayed pending clarification of the town's water runoff rights.

A. Reed Hayes
First Selectman