

COPY RECEIVED  
DATE: 10-09-08  
TIME: 11:05 A.M.  
TOWN CLERK'S OFFICE

MINUTES  
Ordinance Public Hearing  
Tuesday, October 7, 2008 @ 7:15 PM  
Norma Drummer Room/Seymour Town Hall

Members present: Robert J. Koskelowski, First Selectman, Annmarie Drugonis, Roberta King, John Putorti, John Conroy, Jr., Paul Roy, Frank Conroy, Jr., and Town Counsel, George Temple.  
Others present: Brian Koskelowski, and Alex Danka

- The First Selectman opened the meeting @ 7:15 PM
- Everyone Saluted the Flag and Stated the Pledge of Allegiance.

Item # 3 – Discussion of proposed modifications to existing EXCAVATIONS Ordinance. This Public Hearing is to discuss the modifications of the existing ordinance. The First Selectman asked if there is any Public Comment, Any Public Comment, Any Public Comment with no Public Comment the First Selectmen thanked John Conroy, Jr. for the research and making the modifications concerning the excavating ordinance. Road opening permits will increase the fee to \$100.00 an additional charge of \$25.00 per cut. A street opening shall be considered a multiple cut if it extends for a distance in excess of 50ft. The Town has been charging \$15.00 for street opening permits. The Town can not charge to have Public Works to go out to inspect the roads. The Board has to wait five (5) days to act on this so it will be placed on the next Board of Selectmen's agenda.

The First Selectman asked if the Board members had any questions. John Conroy, Jr. spoke regarding the case John Putorti brought up several meetings ago regarding a gas company had challenged the City of Hartford regarding fees. After looking at several websites sites of several Towns the City of Hartford seemed to have everything that best seemed to suite the needs of our Town. John also stated that the City of Hartford has not been challenged since that last case which is the one John Putorti brought up. Also there is a section in this ordinance that would make it easier for us to hold the contractor liable and gives the Town more rights if the work is not done to the Towns satisfaction.

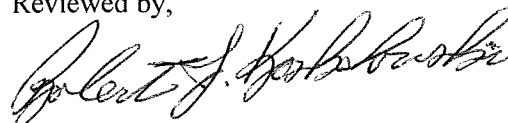
The First Selectman asked if any other Board members have any other questions and he also asked if there is Any Public Comment, Any Public Comment, Any Public Comment.  
No Public Comment

Item # 4 – Close of Public Hearing.  
The First Selectman closed the Public Hearing @ 7:22 PM

Respectfully submitted by,

  
Denise Powell,  
Recording Secretary

Reviewed by,

  
Robert J. Koskelowski,  
First Selectman

:Enc

# PROPOSED MODIFICATIONS TO EXISTING SEYMOUR ORDINANCE

## ARTICLE II. EXCAVATIONS\*

\*Cross references: Sewer construction permits, § 17-51 et seq.

### Sec. 14-21. Permit--Required; regulations.

- (a) No person shall make any opening or excavation or shall construct any walk, curb, pavement, driveway or other construction work within, on or through any street, highway or public right-of-way including a state highway, for any purpose whatsoever, unless supervised by the director of public works or his designated representative and after proper permits have been obtained from the director of public works. Construction being done for the town or any other governmental agency within the town does not exempt the contractor from obtaining the necessary permits for the construction.
- (b) A separate permit shall be required for each location or address at which the excavator proposes to work except that only one (1) permit shall be necessary for main line construction or for adjacent locations at the same property.**
- (c) No permit will be issued on any highway that has been resurfaced for a period of five years after such construction, except for emergencies, provided that all utility companies have been notified in writing one year prior to the construction.
- (d) Any applicant seeking a permit to perform work on a state highway must get a street opening permit from the town before applying for a state permit. This section will not supersede any regulations as set forth by the state department of transportation in regards to excavation in state highways.
- (e) Nothing in these regulations shall be construed to prevent the making of any necessary excavation or the performance of any work related thereto by any public service company, in the event of an emergency.
- (f) In the event the work of the permittee requires the closing of a public highway for any period of time, notice shall be given in writing 24 hours in advance to the police department and to the director of public works, or his designated representative. The director may determine the need for closing the highway and may require the work or work method be so altered as to provide for traffic flow. The director or his agent shall provide written notice to the police and fire departments in advance of closing any public highway.
- (g) Tunneling shall be done only when approved by the town engineer.
- (h) All excavation materials shall be compactly piled and shall not interfere with public travel to any greater extent than necessary. It shall be a condition of the permit and the duty of the permittee and/or contractor to maintain proper safety facilities to safely regulate both pedestrian and vehicular traffic at the site as ordered by the director of public works in his discretion including, but not limited to, barricades, warning signs, warning lights, flares, limited work hours, flagmen and/or public safety officers. If the location and extent of the work is such that the director of public works determines that flagmen and/or public safety officers are required, same shall be provided at the expense and responsibility of the contractor.
- (i) Backfill in trenches within paved areas shall be placed in layers not more than 12 inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the director of public works or his agent. The materials used for backfill shall be subject to the inspection and approval of the director of public works, or his agent, and if, in his opinion, the excavated material is unsuitable for backfill, the contractor shall be required to dispose of the unsuitable material in the amounts and proportions specified by the director or his agent. When backfill has been completed within 15 inches of the finished pavement or surface grade, the next 14 inches shall be filled and compacted using an approved grade of bankrun or processed gravel. The last one inch shall be covered with adequate temporary bituminous paving material and in such a manner as shall be approved by the director of public works.
- (j) The contractor will be required to maintain his work until released by the town. During this period he shall inspect the trench at such regular intervals as may be necessary to maintain the area in satisfactory condition. The contractor shall make all necessary repairs, and in the event that the contractor fails to make such repairs as are deemed necessary the contractor shall be held liable for costs incurred to make the necessary repairs. Failure on the part of the town to give notice that repairs are needed shall not relieve the contractor of any of the duties set forth herein.