TOWN COUNCIL

Town of Trumbull

CONNECTICUT

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TOWN HALL
Trumbull

TELEPHONE
(203) 452-5005

LEGISLATION & ADMINISTRATION COMMITTEE
JULY 28, 2014
AGENDA

Suzanne Testani, Chairman
50 Cranbury Drive
Trumbull, CT 06611

Enrico Constantini, Vice Chairman
5 Barry Place
Trumbull, CT 06611

Joseph Pifko
158 Plymouth Avenue
Trumbull, CT 06611

Edna Colucci
39 Kingsbury Drive
Trumbull, CT 06611

Patrick Helfrich
23 Evelyn Street
Trumbull, CT 06611

Daniel Marconi
40 Brookhedge Road
Trumbull, CT 06611

Ken Martin, Sr., Alternate
1676 Huntington Turnpike
Trumbull, CT 06611

Thomas Christiano, Alternate
831 White Plains Road
Trumbull, CT 06611

NOTICE is hereby given that the Legislation & Administration Committee of the Trumbull Town Council will hold a regular meeting Monday, July 28, 2014 at 7:00 p.m. at the Trumbull Town Hall, for the following purpose(s):

1. RESOLUTION TC25-108: To consider and act upon a resolution which would authorize First Selectman Timothy M. Herbst to sign, on behalf of the Town of Trumbull, an application and contract with the State Library for a Historic Preservation Grant.

2. RESOLUTION TC25-82: To consider and act upon a resolution which would amend the Town of Trumbull Municipal Code in accordance with the schedule of proposed corrected and updated references, and sections for repeal, modification and consolidation.

3. RESOLUTION TC25-91: To consider and act upon a resolution which would repeal and replace the provisions of the ordinance entitled Chapter 17 Streets, Sidewalks and Highways, Article V. - Street Excavations. (L&A Public Hearing)

4. RESOLUTION TC25-94: To consider and act upon a resolution which would approve the acquisition of real property known as 6175 Main Street, Trumbull, CT and authorize the First Selectman to execute any agreements or take any necessary steps to complete the acquisition. (L&A)

RESOLUTIONS

1. RESOLUTION TC25-108: BE IT RESOLVED, That First Selectman Timothy M. Herbst, be and the same is hereby authorized to sign, on behalf of the Town of Trumbull, an application and contract with the State Library for a Historic Preservation Grant.

2. RESOLUTION TC25-82: BE IT RESOLVED AND ORDAINED, That the Town of Trumbull Municipal Code is hereby amended in accordance with the attached schedule of proposed corrected and updated references and sections for repeal, modification and consolidation. (Legend Attached) *(Public Hearing)*

3. RESOLUTION TC25-91: BE IT RESOLVED AND ORDAINED, That Chapter 17 Streets, Sidewalks and Highways, Article V. - Street Excavations is hereby repealed and replaced with the attached provisions. (Full Ordinance Attached) *(Public Hearing)*

4. RESOLUTION TC25-94: BE IT RESOLVED, That the acquisition of real property known as 6175 Main Street, Trumbull, CT is hereby approved; and

   BE IT FURTHER RESOLVED, That the First Selectman is hereby authorized to execute any agreements or take any necessary steps to complete the acquisition.

Timothy M. Herbst
First Selectman

Office of the First Selectman
Town Hall
5866 Main Street
Trumbull, Connecticut 06611
203-452-5005

TOWN OF TRUMBULL
CONNECTICUT

June 2, 2014

Carl Massaro
Chairman, Town Council
Town of Trumbull
5688 Main Street
Trumbull, CT 06611

RE: Edits to Municipal Code

Dear Chairman Massaro:

As discussed at the Legislative and Administration Committee of May 27, below are details of corrections which should be made to the Trumbull Municipal Code. The changes that have been brought to our attention are in Chapter II: Administration. Changes which require action by Town Council approval are as follows:

Article I: No changes
Article II: No changes
Article III:

Division 22 (Page 38) Change "Board of Tax Review" to Board of Assessment Appeals", as established by the Charter chapter VII, section 2.

Division 26 (Page 42) Civil Service Board; change "section 20" to "section 15", of the Charter.

Division 28 (Page 44) Change "Development Commission" to "Economic and Community Development Commission". Also, change ""section 12" to "section 10", of the Charter.

Division 30 (Page 46) Housing Authority; change "section 19" to "section 14", of the Charter.

Division 34 (Page 50 Park Commission; change "section 13" to "section 11", of the Charter.

Division 35 (Page 51) Pension Board; change "section 21" to "section 16", of the Charter.

Division 37 (Page 53) Police Commission; change "section 9" to "section 8", of the Charter.

Division 38 (Page 54) Recreation Commission; change "section 14" to "section 11", of the Charter.

Division 39 (Page 55) Water Pollution Control Authority; change "section 18" to "section "13" of the Charter.

It should be noted that these are items which require correction in order to correlate with the Town Charter. We are in communication with the publisher of Municode to review other items that are not in correlation with the Trumbull Town Charter.

Respectfully submitted,

Lynn Arnow
Chief of Staff

PROPOSED

Trumbull, Connecticut, Code of Ordinances>>PART II – MUNICIPAL CODE>>Chapter 17 – STREETS, SIDEWALKS AND HIGHWAYS>>ARTICLE V. STREET EXCAVATIONS>>

ARTICLE V. STREET EXCAVATIONS

Sec. 17-111. Permit Required.
Sec. 17-112. General Requirements.
Sec. 17-113. Public Service Companies.
Sec. 17-114. Requirements if closing of Highway required.
Sec. 17-115. Tunneling or Jacking.
Sec. 17-116. Backfilling.
Sec. 17-117. Inspections.
Sec. 17-118. Maintenance of work by contractor.
Sec. 17-119. Contractor responsibilities for permanent repair.
Sec. 17-120. Bituminous concrete.
Sec. 17.121. Liability of permittee for unsafe conditions or abandonment.
Sec. 17.122. Town's right to not issue, revoke permits.
Sec. 17-123. Termination of permit and release of Contractor's obligations.
Sec. 17-124. Call before you dig.
Sec. 17-125. Non Liability of Town.
Sec. 17-126. This Ordinance shall not apply to work being done on behalf of the Town.

Section 17-111 - Permit Required

No person shall make any opening, excavation, or construct any walk, curb, pavement, or perform other construction work within, on, through, or under any public street, highway or public right-of-way (Highway)located in the Town of Trumbull (Town) including a State highway, for any purpose whatsoever, unless an Encroachment/Street Opening Permit (Opening Permit) has been obtained pursuant to this Article from the Director of Public Works or his designated representatives. Any Ordinance Permit issued shall be valid for a period of ninety (90) days from the date thereof. Any work performed pursuant to such Opening Permit shall be subject to approval by the Director of Public Works or his designated representatives.

On State highways located within the Town, the Opening Permit must be obtained prior to the issuance of a permit by the Connecticut Department of Transportation (DOT). This article does not supersede any regulations as set forth by the DOT with regard to excavation in State highways.

Section 17-112 – General Requirements

Opening Permits will not be issued until an applicant has done the following:

(1) Obtained a Town Excavating License.

(2) Submit a fully completed Opening Permit Application on a form approved by the Director of Public Works.

(3) Paid to the Town a permit fee of fifty ($50.00) Dollars for each opening, excavation, etc.

(4) If required by the Director of Public Works or his designated representatives , permitte shall pay the Town a fee for the cost of permanent patching of the street as calculated on a cost of per square yard basis by the Director of Public Works or his designated representatives.

(5) Unless exempted as provided in this Article, filed with the Town a surety bond in an amount which is sufficient, in the opinion of the Director of Public Works or his designated representatives, to secure the adequate restoration of the highway as required by this Article. In lieu of a surety bond the Director of Public Works or his designated representatives may require a cash bond.

(6) Unless exempted by this Article, provide the Town with the following minimum insurance coverage:

(a) Commercial General Liability Insurance:

(1)	Each Occurrence Limit	$1,000,000
(2)	Damage to Rented Premises	$50,000 each occurrence
(3)	Medical expense	$5,000 Any one person
(4)	Personal & Adv injury	$1,000,000
(5)	General Aggregate	$2,000,000
(6)	Products – Comp/Op Agg	$2,000,000

(b) Commercial Automobile Insurance (for Owned, Hired, and Non-owned Autos)

(1)	Bodily Injury and Property Damage Liability	
(2)	Combined Single Limit	$1,000,000 each accident

(c) Workers Compensation and Employers' Liability

(1)	E.L. Each Accident	$100,000
(2)	E.L. Disease – EA Employee	$100,000
(3)	E.L. Disease – Policy Limit	$500,000

The Town shall be named as an additional insured on said policies unless waived by the Director of Public Works.

(7) Provide the Town with the full name and business address and telephone number of the applicant, and the name, address and telephone number of two (2) persons with authority from the applicant to take action in case of emergency and who will be available on a twenty-four hour basis.

(8) Provide a general statement of the scope of the proposed work in such detail as may reasonable be required by the Director of Public Works, or his designated representatives, including the number of days that the work is estimated to take and specific plans for safeguarding the work and any condition left prior to the final completion of work. These plans shall be subject to review and approval by the Director of Public Works or his designated representatives who may make such reasonable requirements as are necessary in order to insure safe passage on the Highway and to protect the public health, safety and welfare. Such requirements may include, but are not limited to, provisions for lights, barricades, warning signs and the like depending upon the nature of the work. Sketch shall be provided depicting the permanent patch repair limits. Patch limits shall be as required by the Director of Public Works or his designated representative.

(9) If required by the Director of Public Works or his designated representative, permittee shall provide a letter from the Town's Chief of Police or his designee, acting as the Traffic Authority, setting forth such measures as the Chief of Police or his designee requires in order to insure the health, safety and welfare of the public and to maintain adequate traffic flow and control.

The letter shall specify the type of traffic control, if any, that is required to maintain traffic flow and public safety, to wit: (1) Police Officers; (2) Flag Persons; (3) Signs and/or warning devices; or (4) Exempt (no traffic control required) or any combination of the foregoing.

If a letter is not required in advance of the issuance of the permit, Permittee shall coordinate with the Town's Chief of Police or his designee all traffic requirements prior to roadway excavation.

Utility company service vehicles, such as electric, gas, water, telephone and or cable companies stopping for a short period of time on the traveled portion of the Highway in order to complete repairs or to render certain service may be exempt from providing traffic control of the type and form described above, at the sole discretion of the Chief of Police or his designee in order to maintain traffic flow and public safety.

Any party working on a Highway will be required by the Chief of Police or his designee to post warnings in both directions as required by Section 9.71 of the State of Connecticut Department of Transportation 816 Manual, Street Opening Permit Specifications and General Conditions and any and all State or Local requirements. .

All flag persons and Police Officers shall be properly trained in accordance with evidence of same provided to the Chief of Police or his designee and equipped at all times with the proper safety equipment.

The Director of Public Works and the Trumbull Police Department shall be notified at least twenty-four (24) hours in advance of actually starting any work authorized under a permit. Failure of the permittee to notify the city may result in the revocation of the permit.

Section 117-113 – Public Service Companies

Nothing in this Article shall be construed to prevent making of any necessary excavation or the performance of any work related thereto by any public service company in the event of an emergency. In the event of an emergency, the public service company shall notify the town immediately or if after hours the start of the next town hall business day at which time application for a permit shall be made.

Any public service company which has complied with the provision of Section 16-230 of the Connecticut General Statutes shall be exempted from the requirement of posting a bond as hereinbefore set forth and may be further exempted from the requirement of paying a fee for the cost of permanent patching of the street opening as hereinbefore set forth, provided that the utility shall place on file with the Town a written agreement constituting a continuing obligation binding the utility to permanent repair required by this article at its own expense and in such a manner as is required by this article as if the work were to be done by the city contractor as further guaranteeing the quality of the workmanship and materials to the same extent as would the city contractor and agreeing to complete the work at the times required by the city engineer. The utility shall warranty all their permanent repairs until the roadway is completely paved by the Town, but minimum of 2 years. .

Section 17-114 – Requirements if closing of Highway required

No Highway may be closed without the approval of the Traffic Authority.

Section 17-115 – Tunneling or Jacking

Tunneling or jacking shall be permitted only when plans prepared by a registered engineer are submitted to an approved by the Director of Public Works or his designated representative.

Section 17-116 – Backfilling

The material used for backfill shall be subject to the inspection and approval of the Director of Public Works, or his designated representatives, and if in his opinion, the excavated material is unsuitable for backfill, the Contractor shall be required to dispose of the unsuitable materials in

the amounts and proportions specified by the Director of Public Works or his designated representatives.

When backfill has been completed within the fifteen (15) inches of the finished pavement or surface grade, the next eleven (11)) inches shall be filled and compacted using an approved grade of bank-run or processed gravel. The last four (4) inches shall be covered with adequate temporary hot bituminous paving material (when available) and in such a manner as shall be approved by the Director of Public Works or his designated representatives.

Backfill in trenches within paved areas shall be placed in layers not more than twelve (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 designated representatives. Compaction equipment must be at the excavation site and shall be utilized during all backfilling operations.

Section 17-117 Inspections

The Director of Public Works or his designated representatives are empowered to inspect all excavations for workmanship and materials. The Town may require the permittee to excavate and expose for inspection any portion of the excavation backfilled without inspection or authorization to backfill. The Director of Public Works or his designated representatives may require the permittee to hire an independent inspector to inspect all construction activities.

Section 17-118 – Maintenance of work by contractor

The Permittee will be required to maintain his work (temporary patch and permanent patch) for a minimum of 2 years or until the roadway is permanently paved 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 and the Town must perform any work, the Contractor shall pay the cost of this work. 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.

Section 17-119 – Contractor responsible for permanent repair

Unless otherwise specified by The Director of Public Works or his designated representatives, the permanent repair of street openings shall be the responsibility of the Contractor. If the Town performs the permanent patch, The Town shall charge each permittee a fee for cost of the permanent repair based on the area of the final repair as calculated by the Director of Public Works or his designated representatives. .

In the event the size of the actual permanent repair exceeds the estimated size of permanent repair, the permittee shall pay the additional fee to the Town within ten (10) working days. Failure to pay the additional fee will result in the Permittee forfeiting any rights to future permits until the outstanding balance is received.

Section 17-120 – Bituminous Concrete

Hot-laid bituminous concrete shall be as specified by the State Department of Transportation in their specification and as required by The Director of Public Works or his designated representatives. .

Section 17-121 – Liability of permittee for unsafe conditions or abandonment

Any person, firm or corporation who violates any provision of this ordinance shall be subject to a fine of not more than $100.00 for each violation. Any person, firm or corporation who receives a permit and leaves an excavation in an unsafe condition in violation of any of the provisions of this ordinance or abandons a street opening, shall be subject to a fine of not more than $100.00 for each violation and shall be liable for all costs incurred by the city to correct any condition.

Section 17-122 - Town's right to not issue, revoke permits

Any permit may be revoked by the Director of Public Works or his designated representatives for just cause including, but not limited to, defective workmanship, trench settlement, failure to notify or nonpayment of additional fees. The Director of Public Works or his designated representatives may refuse to issue a permit to any person, firm or corporation which has not paid to the Town any fees incurred under the provisions of the ordinance prior to making such permit application.

The Director of Public Works or his designated representative may refuse to issue a permit to any person, firm or corporation for proposed work on a roadway recently paved.

Section 17-123 – Termination of permit and release of Contractor's obligations

The Contractor will be required to maintain his work (temporary patch and permanent patch) until the roadway is permanently paved by the Town, but minimum of 2 years. If in the opinion of the Director of Public Works or his designated representatives the work is not satisfactorily completed or settlement is occurring, necessary repairs shall be undertaken by the contractor and an additional period of liability established by the Director of Public Works or his designated representatives will be established before release.

Section 17-124 – Call before you dig

Section 16-345 thru 355 of the Connecticut General Statutes describes contractor responsibility with respect to any proposed excavation, discharge of explosives or demolition at or near the location of any public utility facility. The contractor should call 1-800-922-4455 or otherwise notify the Department of Public Utility Control or central clearing house of such act at least 48 hours, excluding Saturdays, Sundays, and holiday of said excavation explosion or demolition, but not more than one month before commencing same.

Section 17-125 – Non Liability of Town.

No permit issued, inspection made or approval given by the Director of Public Works or his designated representatives pursuant to this Article shall be construed as imposing any liability whatever upon the Town for injury to any person or damages to any property which may occur by reason of any wrongful or negligent act or omission during the progress of any work under this article.

Section 17-126 – This ordinance shall not apply to work being done on behalf of the Town.