

Legislative History for Connecticut Act

	HB 3694	PA 674	1959
House	5663-5665,	5694-5695	(5)
Senate	4071-4072		(2)
Gen Law	817,	846	(2)
Roads & Bridge	—		(2)

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

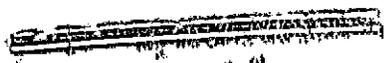
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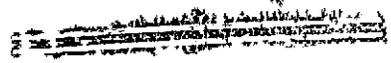
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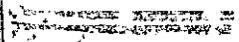


JOINT
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MR. PINNEY OF BLOOMFIELD:

Mr. Speaker, through you Sir, I'll answer the gentleman from Newtown. The increase in revenue per year is about Six Thousand Five Hundred (\$6,500) Dollars.

THE SPEAKER:

The question is on Passage of the Bill in Concurrence with the Senate. All those in favor say 'aye'. Those opposed 'no'. The 'ayes' have it. The Bill is passed.

THE CLERK:

On Page 6. Calendar No. 1562. File No. 1242. House Bill No. 3694. An Act concerning Maintenance or abandonment of Town Roads. Committee on General Law. The original File No. was 1242. Yesterday an Amendment was offered and ordered printed in the File. The Amendment, in fact a new Bill is contained in File No. 1538.

THE SPEAKER:

The gentleman from Avon.

MR. AUGUST OF AVON:

Mr. Speaker, I move for Acceptance of the Committee's Favorable Report and Passage of the Amendment which is now File No. 1538. I believe the reading of the Amendment is unnecessary so long as it is in the File.

THE SPEAKER:

The question now is on the Adoption of House Amendment Schedule "A". Will you remark.

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MR. AUGUST OF AVON:

Mr. Speaker, this Bill is the work of a considerable amount of time to clarify the question concerning old roads, in many of the towns throughout the State. The purpose of the Bill is to take off of the shoulders of the town the cost which in many instances runs into thousands and sometimes tens of thousands of dollars for building old roads that might have been unused or possibly abandoned for twenty, thirty, forty, fifty sometimes a hundred years, which after the construction of the roads by the town the benefit then accrues to the adjoining property owner. The Amendment provides that an appeal, an application can be made to the town. If the town refuses to build the road the property owners may then apply to the Court of Common Pleas and the Court of Common Pleas will assess the benefits to the property owners and the town to allocate equitably between the parties benefitted. Its a good Bill. Its a good Amendment and I hope it passes.

THE SPEAKER:

Any remarks further. The question is on the Adoption of House Amendment Schedule "A". The Chair recognizes the gentleman from Guilford.

REPRESENTATIVE FROM GUILFORD:

Mr. Speaker, I'm briefly looking over this new Bill. I am just wondering first of all in the change of the File I'm not quite sure that I see the language concerning the discontinuance or abandonment of the town road. At least as far as

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italicized portions of the Bill. I do notice that at the bottom of Section 1 there are certain portions having to do with the assessments of benefits and damages.

THE SPEAKER:

Would the gentlemen from Avon care to respond to the question.

MR. AUGUST OF AVON:

In response to the question of the gentleman from Guilford, the Bill does not abandon roads which have been or are town roads. What it does do it puts the burden on the town to build these roads and then provides a method of assessment for the cost of construction of the roads.

THE SPEAKER:

Will you remark further. The question is on the Adoption of House Amendment Schedule "A". All those in favor say 'aye'. Opposed 'no'. The Amendment is adopted. The Chair recognizes the gentleman from Avon.

MR. AUGUST OF AVON:

Mr. Speaker, this will now have to go to the Legislative Commissioner.

THE SPEAKER:

Its in the File. It will be sent to the Legislative Commissioner for his approval.

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only fair that these people should be properly paid since very frequently it happens where a person after death is left all of his assets in survivorship funds. I think it is a good bill and should pass.

THE CHAIR:

Will you remark further? If not, all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed.

THE CLERK:

Calendar No. 1873. File No. 1838. House Bill No. 3694. An Act concerning Maintenance of Abandonment of Town Roads.

Favorable report of the Committee on General Laws.

SENATOR ALFANO:

Mr. President....

THE CHAIR:

Senator from the 7th.

SENATOR ALFANO:

I move for acceptance of the committee's favorable report and passage of this bill.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark?

SENATOR ALFANO:

Mr. President, this bill makes changes in the section 13-12 of the general statutes, whereby an appeal to the county commissioners in cases of roads that are in need of repairs can no longer be taken; it will be taken instead to the Clerk of Common Pleas by the

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complaint of any six persons. The bill provides further with its amendment; that the Court of Common Pleas after setting a date of hearing, determining the necessity of the repair of the road or alterations or moving of any obstruction may thereafter assess the cost of the repairs at only against the towns of any of the adjoining property owners of this particular road. The bill goes a step further, insofar as the board of selectmen; the case of old or abandoned roads, may in improving these roads, assess a portion of the cost to the adjoining property owner. It certainly will be of great benefit to a lot of the small towns who have roads that have been out of use for many, many years and then have a few citizens come in and compel the town to spend large sums of money in order to improve the roads. Now if they come in, they will be liable for the portion of the cost for making the improvement.

THE CHAIR:

Will you remark further? If not, all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed.

THE CLERK:

Calendar No. 1874. File No. 1390. Substitute for House Bill No. 3314. An Act amending the Charter of the Terryville Water Company. House Amendment Schedule "A" adopted June 2, 1959.

Favorable report of the Committee on Incorporations.

SENATOR RAITERI:

Mr. President....

THE CHAIR:

General Law

March 23, 1959
2:00 p.m.

Rep. Bascom: (continued) - I would also like to speak in favor of House Bill 3694, which I introduced. This deals with the obligations of the municipalities on what might be called abandoned roads. Under the present statutes, a public complaint of six residents to the county commissioner, alleging that selectmen have neglected to fulfill their duties with respect to town roads, a hearing may be held and the County Commissioner decides whether or not the road should be repaired by the selectman. Seemingly, that seems reasonable and just but if you are familiar with the actions of towns with respect to abandonment of old roads, you will find that many instances inequities persist and the provisions of this bill provide that the County Commissioners could not compel a town to maintain and repair a road on which there has been nothing done for at least fifteen years. It would seem quite apparent that if the town had expended no money for fifteen years, even though they had not taken formal action at a town meeting of abandoning the road, that it for all intents and purposes, it had been abandoned.

There is one other provision of that bill which amends section 29 of Section 13 of the same act which, I feel, was perhaps an oversight when the bill was originally passed. It deals with the assessments of benefits on roads. Presently the bill provides that proper authorities of any city or borough, otherwise provided in its charter, may assess, or cause to be assessed, the benefits, etc., and it leaves out the word "selectmen". You realize that there are a great many towns that operate under the selectmen and it seems reasonable that it was the intent of the legislature that the city or borough could set benefits, that the selectmen should as well.

Rep. Daniel J. Mahaney, Waterbury: I want to vote "yes" on this House Bill 2256. I am sick and tired of people knocking on my door and calling up and putting pressure on me and I hope your committee will give it a favorable report. Thank you.

Sen. Alfano: Are there any other legislators? The hearing is now open on Senate Bill No. 616.

S. B. No. 616 (Sen. Orefice) AN ACT AMENDING SEC. 15-16 (1958 Rev.) GENERAL STATUTES STATE OF CONNECTICUT.

Sen. Alfano: This bill relates to the speed of vessels on the Niantic River. Anyone here in favor of the bill? Anyone here in opposition to the bill?

General Law

March 23, 1959
2:00 p.m.

- Mr. Hager: (continued) - As I stated before, . . . (inaudible) which comes first, it is based on needs, existing traffic with the Highway Commissioner if the highway funds are going to be used, . . . (record noisy) the accident rate, etc.
- Rep. Aronson: Would it be at all possible for the construction of these roads to have the funds come out of the same thing the same fund that is used to buy the land with for the park?
- Mr. Hager: That you would have to ask Mr. Matthews, the Director of the Park and Forest. I cannot speak on that.
- Rep. Palmer: Thank you, sir. Anyone else opposed to House Bill 3637? If not, the hearing is closed on House Bill 3637. The hearing is now open on House Bill 3694.
- H. B. No. 3694 (Mr. Bascom) AN ACT CONCERNING PUBLIC WORKS BY MUNICIPALITIES.
- Rep. Palmer: Anyone in favor of House Bill 3694? Anyone opposed to House Bill 3694? The hearing is closed on House Bill 3694 and that closes the hearing on all bills scheduled for today. The meeting is adjourned.