

**ORDINANCE TO ESTABLISH
BOARD OF ROAD COMMISSIONERS**

Section 1. Authority and Purpose.

This Ordinance is enacted under General Home Rule Authority granted under the Maine Constitution, Article VIII, Part Second, Section 1, pursuant to the Home Rule Provisions of Title 30-A, Chapter 111, Section 2101 et. seq., pursuant to the authority of municipalities to enact Ordinances in accordance with Title 30-A, Chapter 141, Section 3001 et. seq., and under the specific authority of 30-A M.R.S. Section 2526(7)(C).

The purpose of this Ordinance is to establish a Board of Road Commissioners to carryout road and highway related functions within the Town of West Bath and to set forth the powers and duties of the Board in connection with carrying out these functions.

Section 2. Board Established; Terms.

There is hereby established a three-member Board of Road Commissioners. The Board of Selectmen shall constitute the Board of Road Commissioners. The terms of each member of the Board shall coincide with the terms of each member's service as Selectman.

Section 3. Applicability.

This Ordinance and the powers and duties of the Board of Road Commissioners shall apply to all public ways, bridges, highways, roads, streets, sidewalks, parking areas, and any other areas within the jurisdiction of the Town and pertaining to the passage and travel of motor vehicles.

Section 4. Duties.

The Board of Road Commissioners shall be required to perform the following duties:

A. To open and keep in repair all legally established highways, Town ways and streets within the Town of West Bath so as to be safe and convenient for travelers with motor vehicles, in accordance with the requirements of 23 M.R.S. Section 3607.

B. To provide for all repairs to highways and bridges within the Town as may be necessary and appropriate for the safe passage of motor vehicles and to take such measures as may be appropriate to protect the public and motor vehicle operation, where it is determined that conditions exist that create a hazard and/or render it unsafe to travel with motor vehicles, pursuant to the requirements of 23 M.R.S. Section 2407.

C. To provide for proper maintenance, repairs, renovations, improvements, and construction pertaining to all legally accepted Town ways, in order to maintain public safety.

D. To provide for the reconstruction of Town ways where the Board deems it to be necessary and appropriate to provide or improve safe and convenient motor vehicle travel.

E. To undertake such administrative activities and provide administrative services in order to accomplish the duties outlined above including, but not limited to, the following:

1. Contract with outside agencies and organizations to provide services.
2. Provide for oversight and supervision of all work on Town ways and related road activities.
3. Hire employees to perform road services.
4. Provide for periodic inspections as from time to time may be required to ascertain the condition of Town ways and the necessity for maintenance, repair, improvements, construction or reconstruction work.
5. Plan and schedule road maintenance, repair, improvement, construction or reconstruction activities and to employ the services of engineers or other professionals to develop specifications for these activities.
6. Purchase and/or provide for necessary services, materials, and equipment.
7. Administer funding for all road related activities under their jurisdiction.
8. Administer and approve the expenditures of all funding relating to Town ways.
9. Purchase materials, equipment, and services as may be required by the Town.
10. Create a capital expenditures budget and road maintenance and operation budgets to fund road maintenance, repair, improvement, construction, and reconstruction activities.
11. Provide all winter maintenance of Town roads including, but not limited to, plowing, sanding, salting and snow removal.
12. Provide appropriate road signage where deemed appropriate.
13. Issue and administer any and all permits that may be required with regard to road usage and/or maintenance, repair, improvement, construction and reconstruction activities.

14. Administer and oversee any bid process required for work on Town ways and to reserve the right to reject any and all bids and to award bids under such terms and conditions as the Board deems to be in the best interests of the Town.

F. Provide any and all other services, activities, materials and equipment relating to the administration of Town ways in the Town of West Bath.

Section 5. Powers.

In order to fulfill the duties outlined above, the Board shall have all powers necessary and appropriate to carry out these duties including, but not limited to, the following:

1. Develop policies and guidelines relating to all public ways and appurtenances within the Town of West Bath.
2. Develop and administer operating and capital budgets for the administration and funding of projects and regular road operations.
3. Enter into contracts on behalf of the Town with regard to any and all aspects relating to road services including the authority to hire and/or provide for personnel, supervision, technical and engineering services, and for the purchase of services, materials and equipment where deemed appropriate.
4. Contract, where deemed appropriate, for a period not to exceed three (3) years for all winter maintenance activities including, but not limited to, plowing, sanding, salting, snow removal, and the provision of winter maintenance materials.
5. Conduct and perform administrative details relating to road activities including, but not limited to, the employment of individuals and supervision of those individuals, employment and contracting with outside individuals or entities to provide services relating to road activities.
6. Supervise and oversee all road activities.
7. Plan and schedule all road activities.
8. Provide for equipment, equipment maintenance and operation.
9. Make purchases necessary to administer all road accounts and activities.
10. Have unobstructed access to all public way and conduct road inspections as may be deemed necessary and appropriate.
11. Have full power and authority to perform and exercise any and all duties incumbent upon Road Commissioners under the Laws of the State of Maine or Town Ordinance.

