

**HOUSE . . . . . No. 4495**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act relative to a road maintenance revolving account in the town of Brewster..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. The town of Brewster may establish a permanent and separate revolving  
2 funds account which shall receive sums of money from time to time in accordance with this  
3 enactment. The superintendent of the town’s department of public works shall, subject to the  
4 selectmen’s authority, control and administer this fund, and the superintendent shall render  
5 annual accounts of the fund’s receipts, disbursements, and balances.

6           SECTION 2. This fund shall be known as the road maintenance revolving account, and  
7 consistent with section six N of chapter forty of the General Laws, this account is established to  
8 provide, without expense to the town, for the maintenance and upkeep of the numerous private  
9 ways serving the town’s inhabitants. Maintenance may also be performed on a private way’s  
10 drainage facilities and associated features, but in accordance with said section six N, work will  
11 be of a temporary nature and will not include construction, reconstruction, or resurfacing of  
12 private ways.

13           SECTION 3. When private way maintenance is desired, the town shall enter an  
14 agreement or agreements with the party or parties requesting the work, and the superintendent

15 shall determine the cost of that work. The town may charge a reasonable administrative fee for  
16 its services, and this fee shall be deposited into the general fund. The interested parties shall be  
17 responsible for paying the amount of the cost and administrative fee in advance of the work, and  
18 the cost amount shall be deposited into the road maintenance revolving account. The  
19 superintendent, with the approval of the Town Accountant/Finance Director, shall expend these  
20 funds for only the maintenance and upkeep work for which they were deposited unless the town  
21 and the original interested parties otherwise agree. If, for any reason, the maintenance work is  
22 not performed, the deposited sums shall be returned to the interested parties.

23 SECTION 4. By a town meeting vote, the town may close this account and transfer to  
24 the general fund any balance not needed to complete previously agreed maintenance.

25 SECTION 5. This act shall take effect upon its passage.