

HOUSE No. 4410

The Commonwealth of Massachusetts

PRESENTED BY:

Cleon H. Turner

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the funding of maintenance and improvements of private ways in the town of Barnstable.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------|-----------------------|------------------|
| <i>Cleon H. Turner</i> | <i>1st Barnstable</i> | <i>8/12/2014</i> |
| <i>Randy Hunt</i> | <i>5th Barnstable</i> | <i>8/12/2014</i> |
| <i>Brian R. Mannel</i> | <i>2nd Barnstable</i> | <i>8/12/2014</i> |

HOUSE No. 4410

By Mr. Turner of Dennis, a petition (accompanied by bill, House, No. 4410) of Cleon H. Turner, Randy Hunt and Brian R. Mannel (by vote of the town) that the town of Barnstable be authorized to establish a sewer construction and private way maintenance and improvement fund. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the funding of maintenance and improvements of private ways in the town of Barnstable.

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. Chapter 248 of the acts of 2012 is hereby amended by striking out sections
2 1 and 2 and inserting in place thereof the following 2 sections:-

3 Section 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other
4 general or special law to the contrary, the town of Barnstable may establish a Sewer Construction
5 and Private Way Maintenance and Improvement Fund to receive revenue under section 3A of
6 chapter 64G of the General Laws, in the manner set forth in section 2, and may appropriate
7 monies in said fund for sewer construction and maintenance and improvements of private ways.

8 Notwithstanding any general or special law to the contrary, the amount of the excise
9 collected under section 2 of chapter 64L of the General Laws by the town of Barnstable
10 beginning with fiscal year 2011 shall be credited to the Sewer Construction and Private Way
11 Maintenance and Improvement Fund without further appropriation.

12 Any interest accrued shall be added to and become part of the Sewer Construction and
13 Private Way Maintenance and Improvement Fund. The treasurer of the town of Barnstable shall
14 be the custodian of all such funds and may deposit the proceeds in national banks or invest the
15 proceeds by deposit in savings banks, co-operative banks or trust companies organized under the
16 laws of the commonwealth, or invest the same in such securities as are legal for the investment
17 of funds of savings banks under the laws of the commonwealth or in federal savings and loans
18 associations situated in the commonwealth.

19 Section 2. Notwithstanding any general or special law to the contrary, the amount of the
20 excise based on rates in excess of 4 per cent collected under section 3A of chapter 64G of the
21 General Laws by the town of Barnstable beginning with fiscal year 2011 shall be credited to the
22 Sewer Construction and Private Way Maintenance and Improvement Fund, established in section
23 1, without further appropriation.

24 SECTION 2. This act shall take effect upon its passage.