

HOUSE No. 3905

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan D. Zlotnik and Kimberly N. Ferguson

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 establishing a private road maintenance revolving fund in the town of Westminster.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>1/20/2017</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/31/2017</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>2/2/2017</i>

HOUSE No. 3905

By Representatives Zlotnik of Gardner and Ferguson of Holden, a petition (subject to Joint Rule 7B) of Jonathan D. Zlotnik, Kimberly N. Ferguson and Jennifer L. Flanagan that the town of Westminster be authorized to establish a private road maintenance revolving fund. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing a private road maintenance revolving fund in the town of Westminster.

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 Westminster may establish a Private Road Maintenance
2 Revolving Fund into

3 which shall be deposited sums of money from time to time in accordance with this act.

4 The director of

5 public works, subject to the authority of the board of selectmen, shall control and

6 administer the fund

7 and render annual accounts of the receipts, disbursements and balances relating to the

8 revolving

9 account. The treasurer of the town shall be the custodian of the fund.

10 SECTION 2. The fund shall be established, consistent with section 6N of chapter 40 of
11 the General Laws,
12 to provide, without expense to the town, for the maintenance and upkeep of certain
13 private ways
14 serving the town's inhabitants. Maintenance may also be performed on a private way's
15 drainage
16 facilities and associated features, but in accordance with said section 6N of said chapter
17 40, work shall
18 be of a temporary nature and shall not include construction, reconstruction or resurfacing
19 of private
20 ways.

21 SECTION 3. When private way maintenance is desired, the town shall enter agreements
22 with the parties
23 requesting the work and the director shall determine the cost of that work. The town may
24 charge a
25 reasonable administrative fee for its services and the fee shall be deposited into the
26 General Fund. The
27 interested parties shall pay the costs in advance of the work, and that amount shall be
28 deposited into

29 the road maintenance revolving fund. The director shall expend these funds for only the
30 maintenance

31 and upkeep work for which they were deposited unless the town and the original
32 interested parties

33 otherwise agree. If, for any reason, the maintenance work is not performed, the deposited
34 sums shall be

35 returned to the interested parties.

36 SECTION 4. By a town meeting vote, the town may close this account and transfer to the
37 General Fund

38 any balance not needed to complete previously agreed maintenance.

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