

**HOUSE . . . . . No. 3905**

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**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.