

HOUSE No. 3869

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

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EXECUTIVE DEPARTMENT
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January 22, 2014

To the Honorable Senate and House of Representatives,

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as amended by Article LXXXIX, I am filing for your consideration the attached legislation entitled, "An Act Relative to the Assessment of Betterments for Improvements to Private Ways in the Town of Harwich."

The Harwich Board of Selectmen, Representative Sarah K. Peake and Senator Daniel A. Wolf have requested that I file this special legislation on behalf of the Town. The purpose of the legislation, which allows the Town to borrow money to improve private ways open to the public, validates a previously authorized borrowing approved at the Town's annual town meeting. Although the Town approved the borrowing at their May 6, 2013 annual town meeting, the Town needs the legislation for the Department of Revenue to issue temporary notes in order for the Town to make improvements to a private way known as Skinequit Road. The Town wants to avoid the monetary costs of calling a special town meeting for this purpose.

I urge your early and favorable consideration of this bill.

Respectfully submitted,

Deval L. Patrick,

Governor

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[Pin Slip]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the assessment of betterments for improvements to private ways in the town of Harwich.

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. Notwithstanding the provisions of section 13 of chapter 80 of the General
2 Laws, and pursuant to the provisions of Section 255-4 of the code of the town of Harwich, the
3 board of assessors of the town of Harwich may, and at the request of the owner of the land
4 assessed shall, make assessments for improvements to private ways, in accordance with said
5 chapter 80.

6 SECTION 2. The town of Harwich is hereby authorized to establish a fund which shall be
7 known as the Improvements to Private Ways Betterment Fund into which fund shall be deposited
8 all payments received from property owners assessed betterments for the costs of improvements
9 to private ways pursuant to section 255-4 of the code of the town of Harwich, and into which
10 may be deposited such other funds as may be appropriated by the town for such purposes. Such
11 funds shall continue from year to year without the necessity of town meeting authorization
12 annually. The town may appropriate from such fund, by majority vote at any special or annual
13 town meeting, funds to be expended by the board of selectmen for improvements to private
14 ways.

15 SECTION 3. Notwithstanding any general or special law, rule or regulation to the
16 contrary, the town of Harwich may borrow for a term of up to 15 years in anticipation of
17 reimbursement from betterments assessed in connection with work on private way open to, and
18 used by, the general public under this act.

19 SECTION 4. Notwithstanding the provisions of any general or special law or charter
20 provision to the contrary, all acts and proceedings of the town of Harwich taken under article 36
21 of the May 6, 2013 annual town meeting authorizing a borrowing for making repairs to Skinequit
22 Road and all actions taken pursuant thereto are hereby ratified, validated and confirmed.

SECTION 5. This Act shall take effect upon its passage.