



July 10, 2006

William J. Rowe
Town Accountant
10 Pearl St.
Stoughton, MA 02072

Re: Improvement to Private Way/ Betterment Assessment
Our File No. 2006-144

Dear Mr. Rowe:

This is in reply to your letter asking whether the town could properly appropriate \$20,000 to supplement proceeds of a subdivision bond in order to bring certain private ways in the subdivision up to town standards, and insure the town's ability to provide essential public services. The town intends to accept the roads as public ways after the improvements are made. The improvements to the roads are important to insure that property owners can continue to receive essential public services. The town will assess betterments against the parcels served by the road to recover the amount appropriated.

We think the appropriation is valid. Towns are expressly authorized to provide by bylaw for making temporary repairs to private ways, and such bylaws can provide for betterments. See GL Ch.40 §6N. Although that statute may not directly apply to Stoughton's situation, it does seem to us to establish in a general sense that expenditures for work on private ways may be a public purpose for which municipalities may appropriate money.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathleen Colleary".

Kathleen Colleary, Chief
Bureau of Municipal Finance Law

KC/CH