

Section. 14-11-2. Materials to be Used.

Such repairs shall include the filling of holes in the sub-surface of such ways and repairs to the surface material thereof. Materials for such repairs, where practical, should be as, or similar to, those used for the existing surfaces of such ways, but may include surfacing with bituminous materials, including but not limited to, bituminous concrete.

Section. 14-11- 3. Drainage Improvements.

Drainage improvements, as determined by the Highway Surveyor to be necessary as a result of the repairs may also be done. Drain repairs shall be made only if petitioned for by all the abutters who own frontage on such ways and with the approval of the land owner, if necessary, and if the Board of Selectmen declares that they are required by the public necessity and convenience to make such repairs based on an advisory opinion of the Highway Surveyor. Drainage easements shall, if necessary, be the responsibility of the petitioners. The cost of such repairs shall be paid by the abutters by a cash deposit.

Section. 14-11-4. Cash Deposit and Board of Selectmen Approval.

No repairs shall be commenced unless and until a cash deposit equal in amount to the estimated cost of such repairs, as determined by the Highway Surveyor, is paid to the Town and the Board of Selectmen has given its approval for the project. No betterment charges shall be assessed for such repairs.

Section. 14-11-5. Liability: Indemnity Agreement.

The Town shall not be liable on account of any damage whatsoever caused by such repairs. The Board of Selectmen may require an indemnity agreement executed by the petitioning abutters, indemnifying the Town for all claims and damages which may result from making such repairs.

Section. 14-11-6. Conditions for Making Repairs.

The Town may, subject to the approval of the Board of Selectmen and based on the advisory report of the Highway Surveyor, make temporary minor repairs to private ways not to exceed Five Hundred Dollars (\$500.00) in total or aggregate per way in any one (1) calendar year, provided that the private way has been open to public use for a period of six (6) years or more. The repair shall be limited to minor work such as filling, patching and not more than grading or scraping twice per year. No such repairs shall be done unless there is unanimous agreement by all abutters that the work shall commence and the Town of Millbury shall be held harmless from any and all damages or claims arising out of such repairs.
(Bylaws Art. 10, 9-16-97)

Sections. 14-12. to 14-17. Reserved.

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