Medford City Council
Medford, Massachusetts

Public Works and Facilities, October 21, 2026

Voting Members

Anna Callahan, Chair
Emily Lazzaro, Vice Chair
Isaac B. “Zac” Bears
Matt Leming
George A. Scarpelli

This meeting will take place at 6:00 P.M. via Zoom.

Zoom
Link: https://us06web.zoom.us/j/84422052363?pwd=653i8mcH5b4htTCTbXNQgCEabKGtbd.1
Call-in Number: +13126266799,,84422052363#,,,,*881391# US (Chicago)
Live: Channel 22 (Comcast), Channel 43 (Verizon), YouTube, and medfordtv.org.

To submit written comments, please email ccmembers@medford-ma.gov.

CALL TO ORDER & ROLL CALL

ACTION AND DISCUSSION ITEMS

26-172 - Offered by George Scarpelli, City Councilor

Order to Place Adoption of M.G.L. Chapter 40, Section 6C Before Voters in November 2027 (Regarding Liability on Private Ways)

26-182 - Offered by George Scarpelli, City Councilor

Resolution on Routine Maintenance and Upkeep of Private Ways

Adjournment

Medford City Council
Medford, Massachusetts

MEETING DATE	SPONSORED BY
October 21, 2026	

AGENDA ITEM

26-172 - Order to Place Adoption of M.G.L. Chapter 40, Section 6C Before Voters in November 2027 (Regarding Liability on Private Ways)

FULL TEXT AND DESCRIPTION

Whereas, in *Gallagher v. City of Medford*, a resident brought suit against the City after suffering injuries caused by a defect on a private way; and,

Whereas, the City sought summary judgment, arguing it had no maintenance obligation over private ways; and,

Whereas, the Appellate Division of the District Court Department found that the City's informal maintenance on that private way — performed without the City having adopted M.G.L. c. 40 §6C — estopped the City from denying that way's public status under G.L. c. 84, §25; and,

Whereas, the Court stated directly: "It is undeniable that a city or town which has accepted G.L. c.40 §6C may remove snow and ice from a private way without risk that such services will constitute repairs cognizable under G.L. c.84, §25;" and,

Whereas, following the *Gallagher* ruling, the City has not acted to adopt G.L. c. 40 §6C; and

Whereas, the City of Medford continues to perform informal maintenance, sweeping, and snow and ice removal on all private ways; and

Whereas, Section 6C's liability carve-out only protects the City if the City has actually accepted it; and

Whereas, 39% of Medford roadways are designated private ways; and

Whereas, since 2020, the City has appropriated $0.00 for private way repairs; and

Whereas, no maintenance or upkeep services are provided but for the informal services outlined in *Gallagher*; and

Whereas, without acceptance, the City is unnecessarily exposing itself to full public-way tort liability; and

Whereas, acceptance of the measure requires a ballot question at the next regular City election; now, therefore:

By the Medford City Council that we hereby vote, pursuant to Massachusetts General Laws Chapter 40, Section 6D, to submit for acceptance to the registered voters of the City, at the next regular City election, the question of whether the City shall accept the provisions of Massachusetts General Laws Chapter 40, Section 6C.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None

Medford City Council
Medford, Massachusetts

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AGENDA ITEM

26-182 - Resolution on Routine Maintenance and Upkeep of Private Ways

FULL TEXT AND DESCRIPTION

WHEREAS, Chapter 90 funds are state aid, restricted for use on public ways only;

WHEREAS, on average Medford's annual Chapter 90 aid hovers around $990k;

WHEREAS, the City Administration, in its annual budget since 2020, relies solely on Chapter 90 funds for the maintenance and upkeep of City roads;

WHEREAS, the City Administration has a policy of refusing to perform certain routine maintenance and upkeep of private ways, citing the restrictions of Chapter 90 funds;

WHEREAS, the use of revenue generated through taxation is not restricted for use on public ways only;

WHEREAS, a taxation override for the purpose of funding a dedicated Road & Sidewalk Crew, allocated $500,000 annually to establish a permanent, in-house DPW repair division specifically

WHEREAS, these override funds are not restricted by the provisions of Chapter 90;

WHEREAS, the City Administration, since 2020, has appropriated $0.00 for the maintenance and upkeep of private ways;

WHEREAS, 39% of the streets in the City are private ways, that do not receive their fair share of funding for roadway maintenance and upkeep;

WHEREAS, the use of tax revenues for the purpose of maintaining and upgrading our private ways is not precluded by state statute; and

WHEREAS, appropriating tax revenues for the purpose of funding for maintenance and upkeep of private ways is a budgetary decision of the City Administration; and

WHEREAS, the City Administration has failed to make equitable delivery of public works services a priority;

Be it therefore RESOLVED that the City Administration create and assign a specific account and line item for the purpose of funding Private Way Upkeep and Maintenance.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None