

HOUSE No. 3890

The Commonwealth of Massachusetts

PRESENTED BY:

Smitty Pignatelli and Paul W. Mark

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 amending the board of works in the town of Lee.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>5/24/2023</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>5/24/2023</i>

HOUSE No. 3890

By Representative Pignatelli of Lenox and Senator Mark, a joint petition (accompanied by bill, House, No. 3890) of Smitty Pignatelli and Paul W. Mark (by vote of the town) for legislation to amend the board of public works in the town of Lee. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act amending the board of works in the town of Lee.

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. Chapter 438 of the acts of 1970, as amended by chapter 44 of the acts of
2 2021, is hereby further amended by striking out sections 1 to 4, inclusive, and inserting in place
3 thereof the following 4 sections:-

4 Section 1. Notwithstanding the provisions of any general or special law or by-law to the
5 contrary, there shall be established in the town of Lee a department of public works and a board
6 of public works, hereinafter called the board, consisting of 5 members to be appointed by the
7 select board and shall operate under the select board’s control. The board of public works may
8 propose recommendations to the select board for consideration. Members shall be appointed to
9 serve a term of 3 years with staggered expirations. The members of the board shall annually elect
10 from its members a chairperson and a co-chair for the ensuing term, either of whom may call for
11 a meeting of the board. In the case of a vacancy, the select board shall, within 30 days, fill such

12 vacancy for the unexpired term. No person who is a municipal employee of the town of Lee shall
13 serve on this board.

14 Section 2. Upon the appointment and qualification of the board of public works, the
15 board shall have all the powers and duties, now and from time to time, vested by general or
16 special laws, town charter or town by-laws in the water and sewer commissioners and in the
17 cemetery board. No contracts, obligations or liabilities in force on the effective date of this act
18 shall be affected by such abolition, but the board of public works shall in all respects be the
19 lawful successor of the boards, departments and offices so abolished. The board of public works
20 shall also perform such duties as provided in the town's by-laws.

21 Section 3. The board shall have 1 member present for interviews related to the position of
22 superintendent of public works who shall exercise and perform under the supervision of the town
23 administrator. The superintendent shall be specially fitted by education, training and experience
24 to perform the duties of said office and need not be a resident of the town. The superintendent
25 shall not be subject to the civil service law and rules and, during their tenure, they shall hold no
26 office nor shall they be engaged in any other business or occupation. The superintendent shall
27 keep full and complete records of the doings of their office and render to the board as often as it
28 may require a full report of all operations under control of the superintendent during the period
29 reported upon. Annually, and from time to time as required by the board, the superintendent shall
30 make a synopsis of such reports for publication. The superintendent shall keep the board fully
31 advised as to the needs of the town within the scope of the duties and shall furnish to the board
32 each year upon its request a carefully prepared and detailed estimate in writing of the capital
33 appropriations required during the next succeeding fiscal year for the proper exercise and
34 performance of all said powers, rights and duties. The board shall provide a recommendation of

35 these purchases to the town meeting. The superintendent shall also provide the board with
36 reports on any contracts, including equipment purchases, building repairs, paving and water and
37 sewer infrastructure, requiring competitive bids pursuant to chapter 30B of the General Laws.
38 The board shall provide recommendations to the superintendent for street paving, water and
39 sewer infrastructure and equipment purchases.

40 Section 4. All persons employed by or under the supervision of the boards, including
41 offices or departments abolished by section 2 shall, upon the effective date of this act, be
42 transferred to the town administrator without loss of pay and without change of rating, seniority,
43 retirement or pension rights or any other privileges under any general or special law or by-law,
44 notwithstanding that job titles may be changed in the department.

45 SECTION 2. This act shall take effect upon its passage