

SENATE No. 2982

Senate, November 18, 2024 - Text of the Senate amendment (Senator Mark) to the House Bill amending the board of public works in the town of Lee (House, No. 3890).

The Commonwealth of Massachusetts

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

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 any general or special law or by-law to the contrary, there
5 shall be in the town of Lee a department of public works and a board of public works, consisting
6 of 5 members, serving staggered terms of 3 years, to be appointed by the select board and
7 operating under the select board's control. The board of public works may propose
8 recommendations to the select board for consideration. The members of the board shall annually
9 elect from its members a chair and a co-chair for the ensuing term, either of whom may call for a
10 meeting of the board. In the case of a vacancy, the select board shall, within 30 days of the
11 vacancy, fill such vacancy for the unexpired term. No person who is a municipal employee of the
12 town of Lee shall be eligible to serve on the board of public works.

13 Section 2. Upon the appointment and qualification of the members of the board of public
14 works, the board shall have all the powers and duties vested by general or special law or town
15 charter or by-laws in the water and sewer commissioners and in the cemetery board. No
16 contracts, obligations or liabilities in force on the effective date of this act shall be affected by

17 the abolition of any boards, departments and offices previously abolished, but the board of public
18 works shall in all respects be the lawful successor of the boards, departments and offices so
19 abolished.

20 Section 3. The board of public works shall have 1 member present for interviews related
21 to the position of superintendent of public works who shall exercise and perform their powers,
22 rights and duties under the supervision of the town administrator. The superintendent shall be
23 specially fitted by education, training and experience to perform the duties of said office and
24 need not be a resident of the town. The superintendent shall not be subject to the civil service law
25 and, during their tenure, shall not hold elected office nor be engaged in any other business or
26 occupation. The superintendent shall keep full and complete records of the doings of their office
27 and render to the board of public works as often as the board may require a full report of all
28 operations under the superintendent's control during the period reported upon; provided,
29 however, that 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 of
31 public works fully advised as to the needs of the town within the scope of their duties and shall
32 furnish to the board each year, upon the board's request, a carefully prepared and detailed
33 estimate in writing of the capital appropriations required during the next succeeding fiscal year
34 for the proper exercise and performance of the superintendent's powers, rights and duties. The
35 board of public works shall provide a recommendation of these purchases to the town meeting.
36 The superintendent shall also provide the board of public works with reports on any contracts,
37 including, but not limited to, equipment purchases, building repairs, paving and water and sewer
38 infrastructure, requiring competitive bids pursuant to chapter 30B of the General Laws. The

39 board of public works shall provide recommendations to the superintendent for street paving,
40 water and sewer infrastructure and equipment purchases.

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

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