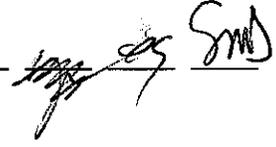


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**BOARD OF SELECTMEN  
MEETING MINUTES  
10/12/10**

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Paula Bertram, Steven M. deBettencourt, Ernie Sund, Tom Alonzo, Dave Matthews and Town Manager Kerry Speidel present. Meeting opened at 7:00 P.M. with the Pledge of Allegiance

**PUBLIC COMMENT**

**ANNOUNCEMENTS**

1. **Yard Waste Days** – The Lunenburg Landfill, off of Youngs Road will be open for consecutive Saturdays OCTOBER 16th – NOVEMBER 20, 2010 8:00 a.m. to 4:00 p.m. Acceptable material: grass clippings, bark mulch, wood chips, leaves, brush (with a diameter not to exceed 3 inches ... unlimited length). Shrubbery and plantings; with the same restrictions. Any container; bags, boxes, barrels, trashcans, tarps, flower pots, etc., must be removed and taken by the resident. No household garbage, trash, or rubbish of any kind will be accepted. No materials within the Landfill area; sand, stone, gravel, etc. are to be given away or sold. Access will be restricted to the disposal area. Commercial landscapers will not be allowed to dump. **OPEN TO LUNENBURG RESIDENTS ONLY. TRAVEL PERMITTED ONLY ON TOWN EASEMENT. NO TRESPASSING ON TRI-TOWN LANDING CONSTRUCTION SITE.** DPW Director Jack Rodriquez informed the board that the cardboard container dumpster will be removed as of October 20<sup>th</sup> from the DPW. Per Kerry this costs the town \$8,000 to have this at DPW and whereas it doesn't cost anything more for cardboard recycling curbside, we're asking people to leave their cardboard curbside or as an alternative they may utilize the Townsend transfer station which accepts this as well.

2. **October 23<sup>rd</sup>, Recycle Your Reusables event** – 9:00 AM – 1:00 PM located @ Ayer High School Parking Lot, 141 Washington St., Ayer MA.

3. **Applications for Housing Rehabilitation – CDBG Grant process - funding can be.... Income eligibility...**

**APPOINTMENTS**

**CURRENT BUSINESS**

1. **Senior Center Parking Lot** – Mark McCluskey from Hudson Design and COA Director, Doreen Noble were in attendance and presented the board with an overview of the plans as to the design phase of the project. Shelly Hatch from MRPC has been working with the committee in finalizing the documents for submittal to Department of Housing Community Development (DHCD) for a Community Development Block Grant (CDBG). According to the design there will be an increase of 29 parking spaces which was changed from the initial proposal due to the ANR Plan (Jones House Lot), the initial plan was redesigned to take this into consideration. Reviewed the proposed plans that have been before the parking lot committee, which identifies the abutting properties, the changes as a result of the Jones House parcel and reconfiguring of the parking area and retention pond. Propose to repaved the existing parking lot and a concrete sidewalk along the back of the building and up to the upper level parking area (existing). Also has final documents for construction costs and working on the bid document with Shelly Hatch. We're ready submit the plans to the Planning Board within the next week or two and ready to go out to bid so that we can incorporate this information into the grant application.

Paula questioned the general costs and per Mark initially the costs were coming in in excess of \$800,000 with the costs of the removal of the septic mound being an unknown and this accounted for majority of the costs. Currently at \$360,000 which is reasonably conservative and will depend upon the bidding environment. Doreen informed the board that when we initially looked at the costs and worked with the Nashoba Board of Health, so the bottom line is we're looking at \$360,000 with a 15% contingency. This is not money that we'll be coming to the Town of Lunenburg looking for, we will be applying to DHCD and this would be a win/win situation as within that grant we will be utilizing the housing rehab.

Paula is still concerned that the \$360,000 for 29 parking spaces seems really extreme and would like to understand how this estimate was determined. Mark is able to provide this information to the board and noted that this estimate does not include the design which has been funded already. The largest expense to the project is the costs of the bituminous as these prices are constantly changing and would also involve repaving of the existing parking lot.

Per Doreen, Mr. McCluskey has an obligation to present this plan that has all the I's dotted and T's crossed and because of the high costs we realize the perception, but her recommendation is that at any rate we will be looking at a parking lot regardless of labor or gifts we will be looking at a project of approximately \$200,000 to \$300,000.

Tom questioned Doreen as to how far out does she perceive this will last before the program is larger than this building. According to Doreen we already exceed those numbers as we're using the parking lot above and on street parking. It would help eliminate the need for people to walk down the street with walkers and canes and provide a safer access. We're running ten or more years behind and

probably should have been done 5 or 10 years ago. Bids would be due around mid to late November and then there could be a reassessment if the project is to move forward with the grant application through MRPC.

Ernie questioned how long will it be before we don't have enough parking spaces with this addition, will we be out of parking spaces in two years and per Doreen even if we were to put in the 29 spaces tonight, there wouldn't be enough spaces for the function that they are holding tomorrow, the Pancake Breakfast. By 2015, there are going to be 851 residents in town that will be turning 60 and the numbers continue to grow, the senior population is growing and the staff is underfunded, we're beyond right now and urge the board to give serious consideration as the horse was long out of the gate. Tom questioned if a shuttle service or satellite parking area, a viable option at a future date and per Doreen this is something that Mark has discussed with her and the DOT has opened up Round 31 for van applications and she has been discussing this with the state on the option of getting another senior van for this town.

Paula questioned the building capacity and can we meet our needs for any additional expansion that we may need in the future. Doreen has discussed this with Kerry and other than building up, don't know what the solution would be. Doreen noted that a center without walls is a progressive approach that she would also like to see occur in the future.

Dave noted that if the building is appropriate now for providing services, realistically we should be looking at this in the future that should the building capacity not be able to meet the needs, there will be ample parking on the property to enable us to market the building should the need arise in the future for another use of this building.

Steve questioned if it's appropriate to look at what the town's rate is for bituminous as they are quite favorable and with the different bidding prices they seem to be coming in lower than what we're used to seeing. Mark will look into this and needs to understand contractually what the town's agreement is with the vendor. Steve noted that either the town take care of the paving and handled through the General Contractor. Mark did note that he could check on the current contract and see if this is something that could be done, but these are the typical pricing utilized by DOT. Kerry will look to see if we're able to purchase an additional quantity from the contractor. Public hearing on this grant submittal has been scheduled for November 2<sup>nd</sup>.

In other business, Doreen noted that the Friends of the Eagle house are hosting a Spagetti Super on October 20<sup>th</sup> as a fundraiser for this project and that flu shots are available for the general public from 9:00 to 11:00 AM on the October 20<sup>th</sup> as well.

**2. Pleasantview Ave. Update** – Kerry referred back to her presentation at town meeting and had a glimmer of hope with the Whalom Road LLC development which would encompass the paving and improving the sewer service within that area (Pleasantview Ave.) The ZBA issued it's decision for the project but unfortunately because of the economy and housing market, the work on Pleasantveiw was nto scheduled until the final phase of the project. Both Don Bowen and Att. Hill (who has been working with the ZBA on this project) noted the project timeline is such that this portion is not scheduled to be built out for another 3 to 5 years. The Chair of the ZBA had a recent conversation with the developer and we're looking at the sewer service not being available for another 3 to 5 years. This still left the condition of the roadway which has been in deteriorating condition with utilities located right under the service, the road basically was crumbling and last winter had issues with residents not being able to even drive up to their driveway as the DPW could not keep up with the paving because of the conditions of that roadway and as such she has had discussions with the Public Safety and DPW and because that roadway ranked high in the number of roads that were identified in the pavement management program, we decided to move ahead with paving understanding that it would be a temporary solution. We were able to work with our paving contractor and they were able to put this in this past Saturday and because it was such a small project and had to fit to within the paving contractors schedule it had to be done this past Saturday.

Tom questioned if the top coat that was put on will suffice the road surface until the developer can follow through with that project.

Ernie would like to hear from the DPW Director on how it was determined and would like to understand why this one jumped up a notch. Per Kerry there were three other roads that ranked higher and in the overall ranking the spread was rather small and noted the other roadways, Maplewood Parkway, Watt Street and Wilderwood Ave. and asked Jack to address what has changed since this was put together.

Per Jack the one thing that trumps the management plan is the public safety point and noted that Pleasantview in some places in 100 in some places and is a dead end street with minimal area for turnarounds. Watt street has two means of egress and we can plow and pave Watt Street much easier than Pleasantview as it is flat. Compromising public safety is and of itself a reason to move that roadway up a notch.

Steve concurred that the street was in bad shape and had to be addressed and noted that the non-connector roads had to be three times as bad before it's going to come to the top of the list. Dave noted again that it's a funding issue and not a planning issue.

Sue Burnish 30 Pleasantview Ave. has been a resident of 26 years and there hasn't been anything done to the roadway, happy that we have a temporary solution, just like when the DEP threatened Leominster to replace the water line and it's always been this way for us (residents). Just want to know in three years that when they come back, there are going to be familiar faces and the road is again falling apart and the waterline may have ruptured that you're going to remember this. The quality of our lifes are substandard and that the quality of her septic system is failing, main point is that someone on the board will remember and that priorities do take all shapes and forms.

Rita Hamel, 10 Pleasantview noted that Sue has been a spearhead for this and acknowledged Kerry and Jack's assistance and that you need to understand that we were hoping for representatives from the Sewer Commission and the ZBA as to what would happen should the development not happen in three years, then what are these committees going to do.

Paula noted that both she and Steve were previously on the board and would encourage the residents to make an appointment with the Sewer Commission to discuss what needs to be done to develop a Plan B should the development not take place. Also, noted that this was the first she has heard about the water service being substandard and would like to have more information on this. Jack noted that during the permitting process with the developer discussions were had with Leominster in replacing this line and acknowledges that this is not enough and will be more aggressive in speaking and make more of a commitment to these residents and as we move forward and work as we can with other boards or commissions to assist the residents in getting these projects moved forward. Sue noted that because of the location of the water line, we're at a dead end. Paula would ask that we as the Board of Selectmen can speak with the City of Leominster as to the status of that water line so that we can investigate further and see what our options may be in working with the City.

Kerry noted that one issue for the board to take up is to have an understanding of how water works in the various areas of town, it's overly complicated and unnecessarily complicated, these residents don't have the same pull as the residents of Leominster would have and it's very frustrating.

Tom acknowledged that he hears their problems and this underscores that we need to address and there are times when we need to approach these boards we need to institute some type of policy that where are there are issues, then we all sit down and the table and all hear of these things. Paula was going to suggest that we need to have a workshop specifically on Pleasantview Ave. and one on how water works in the Town of Lunenburg, and as far as water this should be addressed between the Town of Lunenburg and the City of Leominster and would like to sit down with the Sewer Commission to discuss this situation. Kerry will reach out to schedule these workshops.

**3. Overview – Public Procurement** – Kerry provided the attached information to the board on Public Procurement in Massachusetts as the laws have recently been changed.

**4. State Election Warrant** – five copies signed.

**5. Minutes** - None

**Warrants** - #19 11, 10/12/10 - \$287,486.44, #1VD 11, 10/13/10 – (\$1,012.50) and #8P 11, 10/13/10 - \$651,039.52 reviewed and signed.

**Action File Issues** – Tom provided the town manager with an application for the PACC Coordinator which he received in his mail. Dave recently read an article in one of the local newspapers and would like a follow up on the contaminated soil that was allegedly disposed of in Lunenburg; Kerry will place a call to the DEP Representative that she previously spoke with for an update.

Kerry received information from Senator Flanagan's office which was last minute for green energy projects, money available for applying to have electric charging stations for cities and towns to be a host for an electric charging station. Sent it out to everyone to see if there was any interest and the response she received back was that this didn't seem to be an appropriate project. Paula noted that when Kerry sends out an email, the members should respond to Kerry individually and not hit the "reply to all".

Steve questioned if it would be appropriate to put an article on town meeting to utilize the \$400,000 that we usually receive in Chapter 90 money and use this money towards a debt repayment to borrow down in order to get our roads up to where they should be and so that it doesn't become a funding problem as he believes that after this winter you'll see the roads in a lot worst condition than they have been. His reasons are so that our secondary roads don't become worse as they should get the same consideration for those along a main road, this way we could pick away at our roads two or three at a time. Kerry clarified that we would use the Chapter 90 Money to pay debt service, does think that this has merit and her thought would be at the annual town meeting to do something to look for some commitment and in what form. Would have to look at whether the state would allow us to use our Chapter 90 to pay debt service, you would still have the issue of repayment if your Chapter 90 didn't come in, you'd still have to look at funding that debt service. Steve's concern is that if you wait for the annual, you're half way through the construction season.

Dave's concern is that if we take all the money you can't fund your repairs in the future because it's all being used for debt service, wants to further understand this. This is a larger discussion than what we are going to have here tonight, need to find a long term funding solution for this as we want to put something together that's very creditable for the voters.

Paula referred to public forum and she went on line to see projects that did fit the TIP (Transportation Improvement Program) criteria and appears that the Summer Street engineering may meet the funding mechanism; as this may be applicable she would like to look at this for funding for next year.

Kerry noted that some communities are eligible and for this reason we need to do a target area for demographics for what a project may be funded for. She will look into the opportunities further and report back to the board.

**6. Committee Updates** –

- Finance Committee meets on this Thursday.
- Steve announced that the DPW Building Committee has made a determination for their first pick, HKA from Groton and they should be coming to the next DPW Building Committee meeting scheduled for Thursday.
- Ernie Capital Planning Committee has met, forms have gone out to departments and requests have come back. Will begin interviewing with the departments. Kerry is hoping that the Capital Planning Committee can provide their priority projects to her.

## 7. Department Updates – None

8. **Town Manager Updates** – Kerry referred to DPW Director Jack Rodriquez for an update on the Holman Street bridge which has been closed since the flooding in March. Estimates were about \$500,000 for reconstruction because the overall integrity of the structure was compromised and FEMA was going to allocate \$4,916 to “make us whole”. He has been in touch with residents of the roadway and the most disconcerting issues were the beeping of trucks backing up because of the road closed signage. Referred to Steve Whitman for a perspective from his engineering point of view, has been a resident of Holman Street for about 30 years and noted the increase in traffic over the years, particularly with trailer trucks, etc., that all exceeded the weight limit of the bridge. He noted that the bridge was closed back in 1979/80 and it was reconstructed out of field stones to get back in service; it's a one lane bridge. Noted that there are many other problems, one being the site distance throughout that area, vertically or horizontally. With the additional homes on Holman Street there are the number of children, the area right in front of his house has only 14 feet road width and the rest of the street is only 15 to 16 feet wide, in repairing the bridge and allowing the truck traffic to come back, you'd be looking at land takings as well to accommodate the vehicular traffic. The amount of traffic has increased tenfold at least since they've lived there. Jack provided the board with a petition that was provided by Linda Whitman from the residents of Holman Street requesting the bridge remain closed, submitted to the town. Linda was able to obtain signatures from all but two property owners. Jack did speak with the Public Safety departments and neither had an issue with servicing the residents and there will be a some difficulty in paving as they will be having to turn around the vehicles.

Saundra Lane, of 300 Holman Street stated that they purposefully put in a pond with the hopes that there would be hose enough should there be a fire to be able to provide fire protection. Noted the 18 wheelers have constantly been utilizing the roadway which has ruined the road and the children are riding their bicycles, neighbors are getting out and knowing one another and would hope that you understand what our concerns are for safety reasons.

Steve questioned whether they received a cost to repair the culvert versus the cost to replace; we can keep the trucks off of a one lane road. The safety issue can be policed, it's a policing problem more and a little concerned there shouldn't be any ten wheelers on that street. Jack presented to the board that it's his task to present what the residents who are most affected have asked him to do.

Tom noted that this is a very different situation that what was presented by the residents of Whiting Street. This roadway is a very winding roadway; noted the costs to reconstruct the bridge. He has no problem with leaving the roadway the way the residents want it to be and policing isn't enough; we only have two officers on duty and don't see this as an option. Dave doesn't really know what we're arguing about as far as trucks having a cut through we can clearly mark it as a dead end road. Paula has some concerns about the public safety aspects and would like to speak with the Chief's and if we're going to talk about keeping the roadway closed for a period of time are we going to need to look at easements. Jack will provide information from the Chief's, and Kerry was going to suggest that as this was provided as just an update, we can put together a more formal presentation for the board. Tom would like to have this done as a public hearing.

Received grant in the amount of \$9,450 from Federal Bureau of Justice for the purchase of bullet proof vests, to pay either for 50% of the costs of a vest or you can apply for a waiver to pay for 100% to replace vests. The Police Chief would like to fund the purchase of 27 new vests and he has put in a request for the 50% match through Capital Planning. Also grant in the amount of \$1,000 to send two officers to a training program dealing with domestic violence, Officers Charles Deming and Lisa Melnecki will be attending this program. Kerry provided the attached “Estimated Impact of Town Meeting Spending on your Fiscal Tax Bill”.

She was also given information on the 2010 Census which may result in the reassessing the precinct lines within the community. Wanted to know what the interest level would be with this body in that process as there are training sessions available if anyone is interested. We could put this on a future agenda for appointment if there is any interest. Typically this has been handled historically by our Town Clerk, who has participated in the training and she had done the mapping for the last three census'.

## OLD BUSINESS

### COMMITTEE APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

1. **Appointments: Regional HHW Oversight Committee Representative / Back up Delegate** - Kerry recommended the appointment of Laura Williams as the delegate as she has been attending the meetings and as they are also requesting an alternate, she would be willing to serve in that capacity. as the alternate. Steve so moved, voted unanimously.

### EXECUTIVE SESSION

1. **M.G.L. Chapter 39, §23B(2) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigation position**

Being no further business board voted unanimously to adjourn Regular Session at 9:45 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen

w/ 10/12/10 Min

HUDSON DESIGN GROUP LLC

10/12/2010

Eagle House Senior Center: PRLEMINARY CONSTRUCTION COST ESTIMATE

Project 10-016, Additional Parking and Repaving Project

Item #	Description	Units	Quantity
103	TREE REMOVED - DIAMETER UNDER 24 INCHES	EA	4
120.1	UNCLASSIFIED EXCAVATION	CY	2,800
120.21	SAS EXCAVATION & DISPOSAL (Need LF Disposal Cost*)	CY	200
151	PROCESSED GRAVEL FOR SUB-BASE	CY	620
201	CATCH BASIN (STANDARD)	EA	2
202	MANHOLE	EA	4
220	DRAINAGE STRUCTURE ADJUSTED	EA	2
221	FRAME AND COVER	EA	5
222	FRAME AND GRATE	EA	4
234.08	8 INCH PVC DRAINAGE PIPE	LF	340
234.13	ADS Sub-surface Stormwater Mgmt System	EA	1
234.14	Water Quality Structures (Stormceptor 450i)	EA	2
420	HOT MIX ASPHALT BINDER COURSE	TON	193
460	HOT MIX ASPHALT	TON	128
570.2	HOT MIX ASPHALT CURB TYPE 2	LF	615
645.148	48 INCH CHAIN LINK FENCE (PTR) VINYL COATED (LINE POST	LF	280
697	SEDIMENTATION FENCE	FT	400
701	CEMENT CONCRETE SIDEWALK	SY	133
701.2	CEMENT CONCRETE SIDEWALK ADA RAMPS	SY	6
701.3	CEMENT CONCRETE STEPS WITH GALV STEEL HANDRAILS	SY	6
751	LOAM BORROW	CY	71
765	SEEDING	SY	850
767.2	HAY MULCH	SY	850
804.2	2 INCH ELECTRICAL CONDUIT TYPE NM - PLASTIC (UL)	LF	360
811.31	PULL BOX 12 X 12 INCHES - SD2.031	EA	2
812.14	LIGHT STANDARD FOUNDATION SD3.014	EA	2
821.13	HIGHWAY LIGHTING POLE (ANCHOR BASE) 10 FOOT BRACKET	EA	2
830.211	PROJECT FUNDING SOURCE SIGN	EA	1
851	SAFETY CONTROLS FOR CONSTRUCTION OPERATIONS	UD	21
852	SAFETY SIGNING FOR CONSTRUCTION OPERATIONS	SF	100
999.01	TRAFFIC POLICE DETAIL	MH	40
999.03	GENERAL SITE CLEARING & GRUBBING OF COMP LOT	EA	1

ESTIMATED SUB-TOTAL \$ 313,839.89

15% Contingency \$ 47,075.98

ESTIMATED TOTAL \$ 360,915.87

→ Is anything included in this estimate for removal of dirt to landfill?

# PROPOSED HOLMAN STREET BRIDGE REPAIR

October 2010

We the undersigned wish to have the Holman Street bridge remain **CLOSED** and not repaired.

Printed Name	Residents Signature	Address
VINCENT WHUK		503 HOLMAN STREET
Bernie Sautnier		500 Holman ST.
Carol Poladian		496 Holman ST
GREGORY POLADIAN		446 HOLMAN ST.
Mary Thurston		487 Holman St.
Steve Thurston		487 Holman St.
Luhe St Marti		488 Holman St
Jamie Donald		492 Holman ST
SAUNDRA LANE		300 HOLMAN ST
Michael Houston		275 HOLMAN ST
Jeanie H. Houston		275 Holman St.
Kathleen Wnack		503 Holman St.
Deborah A.H. Christen		100 Boucher Rd
Janette Sullivan		501 Holman St.
Christine Kulgoric		502 Holman St.
Stephen Weaver		288 Holman ST.
Paisilla WEAVER		288 HOLMAN ST.
Steve Whitman		473 Holman St
LINDA WHITMAN		473 HOLMAN ST
John Mezzetti		484 Holman ST
Leigh A. Mezzetti		484 Holman St.



# ESTIMATED IMPACT OF TOWN MEETING SPENDING ON YOUR FISCAL TAX BILL

Fiscal Values	Average											
	100,000	150,000	200,000	250,000	300,000	400,000	500,000	600,000	700,000	800,000	900,000	1,000,000
Fiscal Taxes	1,430	2,145	2,860	3,575	4,290	5,720	7,150	8,580	10,010	11,440	12,870	14,300
Fiscal 2010 Taxes EST.	1,282	1,922	2,563	3,204	3,845	5,126	6,408	7,690	8,971	10,253	11,534	12,816
Fiscal 2010 Base EST.	1,204	1,806	2,408	3,010	3,612	4,816	6,020	7,225	8,429	9,633	10,837	12,041
FY2010 Debt Exemption	77	116	155	194	232	310	387	465	542	620	697	775

Article Amount	To calculate the dollar impact of any additional expenditures that may be considered by Town Meeting, use this chart below.											
	100,000	150,000	200,000	250,000	300,000	400,000	500,000	600,000	700,000	800,000	900,000	1,000,000
10,000	0.76	1.13	1.51	1.89	2.27	3.02	3.78	4.54	5.29	6.05	6.80	7.56
25,000	1.89	2.84	3.78	4.73	5.67	7.56	9.45	11.34	13.23	15.12	17.01	18.90
50,000	3.78	5.67	7.56	9.45	11.34	15.12	18.90	22.68	26.46	30.24	34.02	37.80
75,000	5.67	8.51	11.34	14.18	17.01	22.68	28.35	34.02	39.69	45.36	51.03	56.70
100,000	7.56	11.34	15.12	18.90	22.68	30.24	37.80	45.36	52.92	60.48	68.04	75.60
150,000	11.34	17.01	22.68	28.35	34.02	45.36	56.70	68.04	79.38	90.73	102.07	113.41
200,000	15.12	22.68	30.24	37.80	45.36	60.48	75.60	90.73	105.85	120.97	136.09	151.21
250,000	18.90	28.35	37.80	47.25	56.70	75.60	94.51	113.41	132.31	151.21	170.11	189.01
300,000	22.68	34.02	45.36	56.70	68.04	90.73	113.41	136.09	158.77	181.45	204.13	226.81
350,000	26.46	39.69	52.92	66.15	79.38	105.85	132.31	158.77	185.23	211.69	238.15	264.62
400,000	30.24	45.36	60.48	75.60	90.73	120.97	151.21	181.45	211.69	241.93	272.18	302.42
450,000	34.02	51.03	68.04	85.06	102.07	136.09	170.11	204.13	238.15	272.18	306.20	340.22
500,000	37.80	56.70	75.60	94.51	113.41	151.21	189.01	226.81	264.62	302.42	340.22	378.02
550,000	41.58	62.37	83.16	103.96	124.75	166.33	207.91	249.49	291.08	332.66	374.24	415.82
600,000	45.36	68.04	90.73	113.41	136.09	181.45	226.81	272.18	317.54	362.90	408.26	453.63
700,000	52.92	79.38	105.85	132.31	158.77	211.69	264.62	317.54	370.46	423.39	476.31	529.23
750,000	56.70	85.06	113.41	141.76	170.11	226.81	283.52	340.22	396.92	453.63	510.33	567.03
800,000	60.48	90.73	120.97	151.21	181.45	241.93	302.42	362.90	423.39	483.87	544.35	604.84
900,000	68.04	102.07	136.09	170.11	204.13	272.18	340.22	408.26	476.31	544.35	612.40	680.44
1,000,000	75.60	113.41	151.21	189.01	226.81	302.42	378.02	453.63	529.23	604.84	680.44	756.05



The Commonwealth of Massachusetts  
Office of the Inspector General

GREGORY W. SULLIVAN  
INSPECTOR GENERAL

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ONE ASHBURTON PLACE  
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Dear Local Official:

The following charts were created by the Office of the Inspector General for local officials to use as a quick reference guide on public procurement procedures that must be followed pursuant to the Massachusetts General Laws. Your local rules may establish stricter or additional requirements that you must follow. Contact your chief procurement officer (CPO) or legal counsel for advice on your local rules and procurement procedures.

The charts highlight particular areas which may require compliance depending on the cost or the nature of your procurement. For example, the charts highlight, where applicable, the requirement for a ten-hour course in construction safety and health approved by the United States Occupational Safety and Health Administration (OSHA). Pursuant to M.G.L. c.30, §39S, any person submitting a bid for, or signing a contract to work on, a public building or public works project estimated to cost more than \$10,000, must certify under the pains and penalties of perjury that he or she is able to furnish labor in harmony with all other elements of labor employed in the work and that all employees employed on the worksite, or in work subject to the bid, have successfully completed at least ten hours of OSHA approved training. The charts are meant to provide a general overview of the principal public procurement statutes, and are not a substitute for the advice of legal counsel.

Any suggestions for the charts or questions concerning M.G.L. c.30B may be directed to this Office by calling 617.722.8838. Questions concerning M.G.L. c.149, M.G.L. c.30, §39M, and M.G.L. c.7 may be directed to the Office of the Attorney General by calling 617.727.2200 or your legal counsel.

Prevailing wage rate sheets may be requested online at <http://www.mass.gov/dos/pwrequest> or by calling the Division of Occupational Safety at 617.727.3492.

*Central Register* advertisements may be submitted online at <http://www.sec.state.ma.us/spr/sprcentral/infosubmit.htm> to the Secretary of the Commonwealth. The submission deadline is 4:00 pm on Tuesday.

*Goods and Services Bulletin* advertisements may be submitted online at <http://www.sec.state.ma.us/sprpublicforms/GSSubmissionform.aspx> to the Secretary of the Commonwealth. The submission deadline is 4:00 pm on Wednesday.

Sincerely,

Gregory W. Sullivan  
Inspector General

## M.G.L. c.30B Procurement of Supplies and Services

Estimated Contract Amount	Under \$5,000	\$5,000 to \$24,999	\$25,000 and over
<b>Procurement Procedure</b>	Sound business practices. <sup>1</sup>	Solicit three written or oral quotes.	Sealed bids or proposals. (M.G.L. c.30B, §§5 or 6).
<b>Advertising Required</b>	No.	No.	Advertise once in a newspaper of general circulation at least two weeks before bids or proposals are due, <b>and</b> post a notice on your jurisdiction's bulletin board or website for two weeks before bids or proposals are due. If \$100,000 or more, advertise once in the <i>Goods and Services Bulletin</i> .
<b>Award contract to:</b>	Responsible <sup>2</sup> person offering a competitive price.	Responsible person offering the lowest price.	Under §5, the responsive <sup>3</sup> and responsible bidder offering the lowest price. Under §6, the most advantageous proposal from a responsive and responsible proposer taking into consideration price and evaluation criteria.
<b>Written Contract<sup>4</sup></b>	No.	Yes.	Yes.
<b>Maximum Contract Term<sup>5</sup></b>	Three years, unless majority vote authorizes longer.	Three years, unless majority vote authorizes longer.	Three years, unless majority vote authorizes longer.

<sup>1</sup> M.G.L. c.30B, §2 defines sound business practices as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

<sup>2</sup> M.G.L. c.30B, §2 defines a responsible bidder or offeror as "a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance."

<sup>3</sup> M.G.L. c.30B, §2 defines a responsive bidder or offeror as "a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals."

<sup>4</sup> M.G.L. c.30B, §17(a) states "All contracts in the amount of [\$5,000] or more shall be in writing, and the governmental body shall make no payment for a supply or service rendered prior to the execution of such contract."

<sup>5</sup> M.G.L. c.30B, §12(b) states "Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option."

**M.G.L. c. 30, §39M**

**PUBLIC WORKS (NON-BUILDING) CONSTRUCTION**

Estimated Contract Amount		\$10,000 and under	Over \$10,000 to \$25,000	Over \$25,000
			M.G.L. c.30B, §5 Option	
<b>Procurement Procedure</b>	No.	Sealed bids.	Sealed bids	Sealed bids.
<b>Advertising Required</b>	No.	Advertise once in the <i>Central Register</i> and your local newspaper at least two weeks before bids are due, <b>and</b> post a notice on your jurisdiction's bulletin board for one week before bids are due.	Advertise once in the <i>Central Register</i> and your local newspaper at least two weeks before bids are due, <b>and</b> post a notice on your jurisdiction's bulletin board for one week before bids are due.	Advertise once in the <i>Central Register</i> and your local newspaper at least two weeks before bids are due, <b>and</b> post a notice on your jurisdiction's bulletin board for one week before bids are due.
<b>DCAM Certification</b>	No.	No.	No.	No.
<b>OSHA Training</b>	No.	Yes.	Yes	Yes.
<b>City/Town Prequalification</b>	No.	No. <sup>2</sup>	No.	No.
<b>Filed Sub-bids</b>	No.	No.	No.	No.
<b>Bid Deposit</b>	No.	5% of the value of the total bid.	No.	5% of the value of the total bid.
<b>Payment Bond</b>	No.	No.	No.	50% payment bond.
<b>Performance Bond</b>	No.	No.	No.	No.
<b>Prevailing Wage</b>	Yes.	Yes.	Yes	Yes.

<sup>1</sup> Authorized by M.G.L. c.30, §39M(d).

<sup>2</sup> Although M.G.L. c.30, §39M does not mandate a contractor prequalification process, prequalification of bidders by the Massachusetts Highway Department is required for contracts of \$50,000 or more where the awarding authority receives State Aid funds under M.G.L. c.90, §34, or the work is on a state road, regardless of whether the awarding authority receives State Aid funds under M.G.L. c.90, §34.

# M.G.L. c. 149 -- BUILDING CONSTRUCTION CONTRACTS

Estimated Contract Amount	Under \$10,000 <sup>1</sup>	\$10,000 to \$24,999	\$25,000 to \$100,000	Over \$100,000	Over \$10,000,000
<b>Procurement Procedure</b>	Sound business practices	Solicit written responses.	Sealed bids (using M.G.L. c.30, §39M procedure).	Sealed bids.	Solicit statements of qualifications prior to soliciting sealed bids.
<b>Advertising Requirements</b>	No.	Advertise once in the <i>Central Register</i> <sup>2</sup> and post a notice on your jurisdiction's website and bulletin board for at least two weeks before responses are due. Posting on Comm-PASS is optional.	Advertise once in the <i>Central Register</i> and a newspaper at least two weeks before bids are due, and post on your jurisdiction's bulletin board for at least one week before bids are due. Posting on Comm-PASS or your website is optional.	Advertise once in the <i>Central Register</i> and a newspaper at least two weeks before bids are due, and post on your jurisdiction's bulletin board for at least one week before bids are due. Posting on Comm-PASS or your website is optional.	Advertise the request for qualifications once in the <i>Central Register</i> , newspaper, and Comm-PASS at least two weeks before responses are due. <sup>3</sup>
<b>DCAM Certification</b>	No.	No.	No.	Required for general bidders and filed sub-bidders.	Required for general bidders and filed sub-bidders.
<b>OSHA Training</b>	No.	Yes.	Yes.	Yes.	Yes.
<b>City/Town Prequalification</b>	No.	No.	No.	Optional. <sup>4</sup>	Yes.
<b>Filed Sub-bids</b>	No.	No.	No.	Yes (\$20,000 and over).	Yes (\$20,000 and over).
<b>Bid Deposit</b>	No.	No.	5% of the value of the total bid.	5% of the value of the total bid, or sub-bid.	5% of the value of the total bid, or sub-bid.
<b>Payment Bond</b>	No.	No.	50% payment bond.	100% payment bond.	100% payment bond.
<b>Performance Bond</b>	No.	No.	No.	100% performance bond.	100% performance bond.
<b>Prevailing Wage</b>	Yes.	Yes.	Yes.	Yes.	Yes.
<b>Contractor Evaluation</b>	No.	No.	No.	Yes.	Yes.

<sup>1</sup> M.G.L. c.149, §44A(2)(A) as amended by Chapter 188 of the Acts of 2010.

<sup>2</sup> M.G.L. c.9, §20A and accompanying regulations require all contracts for construction services and all contracts for construction materials to cost \$10,000 or more to be advertised in the *Central Register*.

<sup>3</sup> The advertising procedures listed pertain only to the request for qualifications. Within 14 days of the completion of the prequalification evaluation process, you are required to post a notice in your jurisdiction and on Comm-PASS listing those general and subcontractors who have been prequalified. A copy of the notice must be sent via first class mail, postage pre-paid to all prequalified general and subcontractors along with an invitation to bid. The invitation to bid must have a deadline of at least two weeks. Although you may only consider bids from those general and subcontractors who have been prequalified, the advertising requirements for building construction contracts over \$100,000 apply.

<sup>4</sup> If you decide to use the optional prequalification process for projects over \$100,000, follow the procedures listed in the "Over \$10,000,000" column.

**M.G.L. c.7, §§38A½-O PUBLIC BUILDING PROJECTS DESIGN SERVICES** – Cities, Towns, Regional School Districts, and Horace Mann Charter Schools<sup>1</sup>

Estimated Construction Cost (ECC)/Estimated Design Fee	ECC \$100,000 or less or Estimated Design Fee less than \$10,000	ECC more than \$100,000 and Estimated Design Fee \$10,000 or more (both ECC and design fee thresholds must be met before the designer selection procedure is required.) <sup>2</sup>
<b>Procurement Procedure</b>	No. Recommend soliciting qualifications and prices from at least three designers.	Qualifications-based selection process. Jurisdiction must either set the design fee or set a not-to-exceed fee limit and negotiate the fee with the top-ranked designer within the fee limit.
<b>Advertising Required</b>	No.	Advertise once in the <i>Central Register</i> and your local newspaper at least two weeks before the deadline for filing applications.
<b>Designer Selection Board<sup>1</sup></b>	No.	No – adopt selection procedure in writing. <sup>23</sup> Use “DSB Application for Municipalities.” <i>Town Adopted 12/6/05</i>
<b>Designer Evaluation (Submit to DCAM and Designer Selection Board)</b>	No.	Yes.
<b>Registration</b>	Yes.	Yes.
<b>Insurance</b>	No.	10% of the total cost of the project or \$1 million, whichever is less.
<b>Prevailing Wage</b>	No.	No.

\*In December 2008, the Designer Selection Board revised its “Guidelines for City and Town Building Projects” to clarify that both thresholds must be met.

<sup>1</sup> Executive Departments of the Commonwealth and Commonwealth Charter Schools are subject to the jurisdiction of the Designer Selection Board when the design fee is \$10,000 or more and the construction project is estimated to cost \$100,000 or more.

<sup>2</sup> Cities, Towns, School Districts, and Horace Mann Charter Schools are required to adopt their own procedures for selecting designers for building projects. These procedures must conform to the purposes and intent of the designer selection process as outlined in M.G.L. c.7, §§38A½-O and noted herein. See the *Model Designer Selection Procedures for Municipalities and Other Local Public Agencies* developed by this office at <http://www.mass.gov/ig/publ/dsbguide.htm>.

<sup>3</sup> Housing Authorities must follow the procedures established by the Department of Housing and Community Development for design of state-funded housing. Projects requesting funding from the Massachusetts School Building Authority (MSBA) are subject to MSBA rules.