



The Commonwealth of Massachusetts
DEPARTMENT OF LABOR AND INDUSTRIES

DIVISION OF OCCUPATIONAL STATISTICS
100 CAMBRIDGE STREET, 11TH FLOOR
BOSTON, MASSACHUSETTS 02202-0003

ROBERT J. PREZIOSO
Director

January 19, 1996

TEL: (617) 727-3593
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Kathleen J. Myer
Weston & Sampson Engineers
5 Centennial Dr.
Peabody, MA 01960

Re: Needham landfill prevailing wage determination.

Dear Ms. Myer:

In response to your request of the Department of Labor and Industries ("DLI") to determine whether the prevailing wage requirements of M.G.L. c. 149, §§ 26 - 27H apply to the operation of a landfill (contract # 1996-21) owned by the Town of Needham (the "Town"), DLI has determined that prevailing wage rates do not apply.

According to the information provided by you and Roger Stolti of the Needham Highway Department, the landfill has traditionally accepted only municipal solid waste but will begin accepting solid waste from outside sources in order to bring the landfill to capacity and accelerate closure. As part of this expanded operation, the Town will engage a contractor to operate the landfill. Since the revenues generated from this operation are expected to exceed the costs, there will be no net cost to the Town arising from the contract at issue. Therefore, the operation of Needham's landfill appears to be more akin to a private business enterprise than a public works construction project. Thus, the Commonwealth's prevailing wage requirements do not apply to this contract.

This determination is based on the aforementioned facts. If any of the underlying terms or conditions of this project change, please notify me.

If you have further questions regarding this matter, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Robert J. Prezioso".

Robert J. Prezioso

cc: Spencer Demetros, DLI General Counsel
Brian E. Burke, Attorney General's Office