

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

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March 28, 1996

Charlene A. Farren  
Templeton Planning Board  
21 Sunrise Dr.  
Templeton, MA 01436

Re: Michaels Lane Subdivision; Prevailing Wage

Dear Ms. Farren:

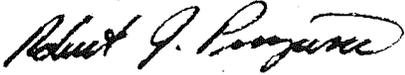
I have reviewed your letter to me dated March 25, 1996 concerning whether the Massachusetts prevailing wage requirements, as prescribed in M.G.L. c. 149, §§ 26 and 27, are applicable to certain construction-related work at Michaels Lane Subdivision. According to your letter and our telephone conversations, the relevant facts are as follows:

1. Michaels Lane is a private thoroughfare in the Town of Templeton.
2. The road surface, drainage infrastructure, and homes on Michaels Lane were constructed by a private contractor with private money. That contractor went bankrupt before the road surface and drainage infrastructure was completed, thereby forfeiting a \$45,000 bond to the bank that had financed the project.
3. The bank also went bankrupt and was taken-over by the FDIC. Recently, the FDIC gave the \$45,000, along with \$15,000 in interest that had accrued, to the Templeton Planning Board for various improvements to the drainage system and road surface. The Planning Board will be using the \$60,000 to correct the drainage problems left by the contractor and to repave the road if enough funds are left over. No public money will be used.
4. The Planning Board will hire a contractor to make the improvements and oversee the progress of the work.
5. Upkeep of Michaels Lane, once the improvements are made, will be the responsibility of the owners of the eighteen dwellings on the lane. Unless the townspeople vote to "accept" the lane as a public thoroughfare, private upkeep will continue indefinitely.

Based on the above-mentioned facts, the requirements of the Massachusetts prevailing wage law do not apply to this project. Please contact me immediately if any of the facts in this case change.

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

Sincerely,



Robert J. Prezioso

cc: Spencer Demetros, Esq., DLI General Counsel  
Paula Niziak, Esq., Office of the Attorney General  
Anthony Penski, Esq., Office of the Attorney General