

SENATE No. 1402

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Brewer

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 passage of the accompanying bill:

An Act authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mr. Brewer	Worcester, Hampden, Hampshire and Franklin
Anne M. Gobi	5th Worcester
Bruce E. Tarr	First Essex and Middlesex
Geraldo Alicea	6th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00030 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND
MAINTENANCE TO LEASE CERTAIN LAND IN THE TOWN OF SPENCER TO THE
WORCESTER COUNTY 4H CENTER.

*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. The division of capital asset management and maintenance, notwithstanding
2 the provisions of sections 40E through 40J, inclusive, of chapter 7 of the General laws,
3 may, in consultation with the department of environmental management, execute and
4 deliver on behalf of the commonwealth, subject to such terms and conditions as may be
5 determined by the division in consultation with the department, one or more instruments
6 to lease certain land together with the buildings thereon, now part of a state forest under
7 the care and control of the department and consisting of approximately 20 acres on the
8 shore of Thompson's pond located in the town of Spencer, the leased area to be shown on
9 a plan of land suitable for recording, to the Worcester County 4H Center Committee for
10 a term or terms not to exceed 25 years for use as a meeting place for the committee, for
11 the development of interest in agriculture by young people, and to run a summer day
12 camp program. The lease authorized by this act shall commence upon the expiration of

13 the lease for the land and buildings authorized by chapter 256 of the acts of 1971. The
14 lease shall also contain such terms and conditions as will comply with all laws in relation
15 to the protection of fish, birds, and quadrupeds and the preservation and development of
16 the forest. The control and supervision of the land and buildings shall remain under the
17 department, except as provided under the terms of the lease, and all provisions relating to
18 state forests not inconsistent with the provisions of this act shall remain in full force and
19 effect. The lease price to be paid by the Worcester County 4H Center Committee for the
20 land and buildings parcel shall be the full and fair market value of said land and buildings
21 for use as a meeting place for the committee, for the development of interest in
22 agriculture by young people, and to run a summer day camp program, as determined by
23 one or more professional appraisals commissioned by said division; provided however,
24 that the lease price may be reduced or waived by the division, in consultation with the
25 department, in the event payment thereof imposes a hardship on the lessee or
26 significantly interferes with the operations of the Worcester County 4H Center
27 Committee at the property described above as demonstrated in an annual financial
28 statement to be submitted by the Worcester County 4H Center Committee to the division
29 and the department. The amount of any reduction in the lease payment shall in no case
30 exceed the dollar amount of capital improvements made to the buildings and grounds by
31 the Worcester County 4H Center Committee as documented in the annual financial
32 statement. The commissioner shall, 30 days prior to the execution of any lease or leases
33 authorized by this act or any subsequent amendment thereof, submit the lease or leases,
34 or amendments thereto and a report thereon to the inspector general. The inspector
35 general shall review and approve the appraisal or appraisals, and the review and appraisal

36 shall include an examination of the methodology utilized for the appraisal or appraisals.
37 The inspector general shall prepare a report of his review and approval of the appraisal or
38 appraisals, lease or leases, or amendments and file his report with the commissioner, and
39 copies of the same shall be filed with the house and senate committees on ways and
40 means and with the chairmen of the joint committee on state administration at least 15
41 days prior to said execution. The lease price paid by the Worcester County 4H Center
42 Committee for any lease or leases, and any amendments thereof authorized by this act
43 shall be deposited in the general fund of the commonwealth.

44 SECTION 2. The Worcester County 4H Center Committee shall be responsible for all
45 costs associated with any appraisal, survey, or other expense incurred by the
46 commonwealth relating to the lease or leases authorized by section 1 of his act, and for
47 any costs, liabilities, or expenses of any kind for the development, improvement,
48 maintenance, or operation of said parcel as may be determined by the division in
49 consultation with the department.

50 SECTION 3. The Worcester County 4H Center Committee shall carry such
51 comprehensive liability insurance, in an amount deemed adequate by the commissioner
52 of the division to protect the commonwealth and the committee against personal injury or
53 property damage occurring on the leased land, within the buildings, or within any other
54 structures built or used by the committee on the land during the term of any lease or
55 leases authorized by this act.

56 SECTION 4. Upon failure of the Worcester County 4H Center Committee, for a period
57 of two years, to make use of the land and buildings for the purposes described herein, the
58 lease hereby authorized may be terminate upon notice to the committee, and the land and

59 building together with any improvements thereon shall revert to the commonwealth under
60 the care and control of the department. Any further disposition of said parcel shall be
61 subject to the provisions of sections 40E through 40J, inclusive, of chapter 7 of the
62 General Laws and must have the prior approval of the general court.
63 SECTION 5. Except as provided herein, nothing in this act shall be construed to prevent
64 the use of the forest by the public to the same extent as if this act had not been enacted.