

SENATE, No. 2114

The Commonwealth of Massachusetts

---

In the Year Two Thousand and Nine

---

AN ACT RELATIVE TO THE LEASING OF LAND TO THE PITTSFIELD FAMILY YMCA BY BERKSHIRE COMMUNITY COLLEGE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Notwithstanding any general or special law to the contrary, but subject to section 40J of chapter 7 of the General laws, the commissioner of the division of capital asset management and maintenance may in consultation with the board of higher education and Berkshire Community college enter into a multi year lease with the Pittsfield Family YMCA of campus facilities of said college.

SECTION 2. Any lease agreement entered into pursuant to this act by or on behalf of the Commonwealth shall be for fair market value and on such terms and conditions as the division of capital asset management and maintenance, in consultation with the board of higher education and Berkshire Community college, deem appropriate. In furtherance and not in limitation of the foregoing, any such lease agreement shall contain a provisions that required the lessee to carry comprehensive general liability insurance with the Commonwealth named as a co-insured,

protecting the commonwealth against all personal injury or property damage on the parcel during the term of the lease. The lessee shall indemnify and hold the Commonwealth and Berkshire Community College harmless for any and all personal injury or property damage caused or suffered by the lessee, its clients or agents.

SECTION 3. The lessee shall be responsible for all costs deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the transaction, including without limitation, all costs for legal work, survey, title and the preparation of plans and specifications. The lessee shall also be responsible for any costs, liabilities or expenses of any kind of the development, improvement, maintenance or operation of the parcel as may be determined by the commissioner of capital asset management and maintenance, in consultation with Berkshire Community College.

SECTION 4. The design of and plans and specification for any buildings or other improvements to be constructed by the lessee shall be subject to the review and approval of the division of capital asset management and maintenance and Berkshire Community College.