

HOUSE No. 03565

The Commonwealth of Massachusetts

PRESENTED BY:

Brian Dempsey

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 Relative to Properties in the Commonwealth.

PETITION OF:

NAME: _____

| DISTRICT/ADDRESS: _____

HOUSE No. 03565

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendments of the House Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3401), reports (in part) recommending passage of the accompanying bill (House, No. 3565). July 1

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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An Act Relative to Properties in the Commonwealth.

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. Section 44 of chapter 85 of the acts of 1994 is hereby amended by inserting after
2 the words "Horseneck Beach State Reservation", inserted by section 2 of chapter 164 of the acts
3 of 2009, the following words:- Officers' Quarters at Fort Revere in the town of Hull,
4 Gatekeeper's House at Maudslay State Park, Gates House at Wachusett Mountain State
5 Reservation, Blue Farmhouse and garage and associated barns 3, 4 and 5 at 215 Cold Spring road
6 and Red Farmhouse and shed at 220 Cold Spring road at Spectacle Pond in the town of
7 Sandisfield, the McKay House at Willowdale State Forest, 57 Dedham street in the Hyde Park
8 section of the city of Boston, Speedway Administration Building located in the Brighton section
9 of the city of Boston, the Police Substation on Furnace Brook Parkway in the city of Quincy, the
10 Compressor Building at Quincy Quarries in the Blue Hills Reservation, any of the cottages on

11 Peddock's Island in the Boston Harbor Islands National Park Area, 3 Wompatuck Cottages in
12 Wompatuck State Park, Stress House 1 at Neponset River Reservation and, notwithstanding any
13 general or special law to the contrary, the Schooner Ernestina and a portion of the New Bedford
14 state pier, to provide sufficient berthing space.

15 SECTION 2. Said section 44 of said chapter 85 is hereby further amended by inserting after the
16 fourth paragraph the following paragraph:-

17 Notwithstanding section 182B of chapter 6 of the General Laws, the department shall, as a
18 condition of a lease of the Schooner Ernestina, require that the lessee consult with the Cape
19 Verdean Association in New Bedford in order to provide historic and cultural education
20 programs at said Schooner.

21 SECTION 3. Section 1 of chapter 158 of the acts of 2004 is hereby amended by striking out, in
22 line 6, the words "as a community youth facility".

23 SECTION 4. Item 6033-0417 of section 2A of chapter 291 of the acts of 2004, as most recently
24 amended by section 84 of chapter 139 of the acts of 2006, is hereby further amended by striking
25 out, in lines 43 to 45, inclusive, the words "relocation of the Amesbury department of public
26 works barn in the town of Amesbury to the site formerly known as Microfab" and inserting in
27 place thereof the following words:- redevelopment and revitalization of the Lower Mill yard in
28 the town of Amesbury.

29 SECTION 5. Item 6035-0817 of section 2A of chapter 303 of the acts of 2008, as amended by
30 section 30 of chapter 26 of the acts of 2009, is hereby further amended by striking out the words
31 "\$350,000 shall be expended for lighting improvements to the new Parker river bridge or the
32 North and South approaches to the bridge on route 1A in the town of Newbury" and inserting in

33 place thereof the following words:- \$250,000 may be expended for the town's rehabilitation of a
34 portion of River road in the town of Merrimac; provided further, that \$50,000 may be expended
35 for the improvement of the DPW garage, located at 197 High road in the town of Newbury;
36 provided further, that such sum shall be placed into the town of Newbury's chapter 90 account in
37 the event that improvements are made prior to the release of funds in this item.

38 SECTION 7. Notwithstanding section 279 of chapter 149 of the acts of 2004, the Boston
39 Academy of the Sacred Heart, Inc., d/b/a Newton Country Day School shall have an option for a
40 20-year renewal or extension for operations and maintenance services for the Daley Memorial
41 Rink Property, as particularly described on a plan entitled "Lease Plan Newton Country Day
42 School of the Sacred Heart, Nonantum Road, Newton, Mass.," dated November 15, 2007, and
43 prepared by Harry R. Feldman, Inc. The division of capital asset management, in consultation
44 with the commissioner of conservation and recreation, may make minor revisions to this plan for
45 the parcel of land, may amend the current lease and may sign the lease or lease extension without
46 any further approval of the general court.

47 SECTION 7. (a) Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General
48 Laws or any other general or special law to the contrary and, in order to facilitate the reuse of the
49 properties identified in subsections (b), (h) and (i) and to generate non-tax revenues for the
50 commonwealth, the commissioner of capital asset management and maintenance may sell, lease
51 for terms up to 99 years, including all renewals and extensions, or otherwise grant, convey or
52 transfer to purchasers or lessees an interest in any of those properties, or portions thereof, subject
53 to this section and on the terms and conditions that the commissioner considers appropriate. The
54 commissioner shall dispose of each property, or portion thereof, using appropriate competitive
55 bidding processes and procedures. At least 30 days before the date on which bids, proposals or

56 other offers to purchase or lease a property, or any portion thereof, are due, the commissioner
57 shall place a notice in the central register published by the state secretary under section 20A of
58 chapter 9 of the General Laws stating the availability of the property, the nature of the
59 competitive bidding process and other information that he considers relevant, including the time,
60 place and manner for the submission of bids and proposals and the opening of the bids or
61 proposals.

62 (b) This section shall apply to the following properties:-

63 (1) Those certain parcels of land located in the town of Belchertown at 47 State street, or
64 portions thereof, containing approximately 5.4 acres, together with any buildings or structures
65 thereon, known as the John Patrick center.

66 (2) That certain parcel of land located in the city of New Bedford at 593 Kempton street,
67 together with any buildings and structures thereon, formerly known as the Bristol county jail,
68 described in book 2659, page 15 recorded with the Bristol county registry of deeds, and further
69 shown on New Bedford assessors map 57, lot 201.

70 (3) That certain parcel of land located in the city of New Bedford at 5 Sycamore street,
71 together with any buildings and structures thereon, formerly known as the New Bedford armory;
72 provided, however, that prior to sale, lease, grant, or conveyance of the subject property, the
73 commissioner shall enter into a historical covenant agreement with the Massachusetts Historical
74 Commission.

75 (4) Those certain parcels of land located in the town of Oak Bluffs between the northeasterly
76 side of Eastville avenue and the southeasterly side of Temahigan avenue, or portions thereof,
77 containing approximately 1.7 acres, together with any buildings and structures thereon, used as a

78 mental health center, described in book 303, page 516 recorded with the Dukes county registry
79 of deeds and shown on the Oak Bluffs assessors map 4, lot 151; provided, however, that
80 notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws, or any other
81 general or special law to the contrary, the commissioner of capital asset management and
82 maintenance may transfer care, custody and control of said parcel from the department of mental
83 health to the department of state police.

84 (c) The exact boundaries of the parcels described in subsection (b) shall be determined by the
85 commissioner of capital asset management and maintenance after completion of a survey.

86 (d) Notwithstanding any general or special law to the contrary, the grantee or lessee of a property
87 identified in subsection (b) shall be responsible for all costs and expenses including, but not
88 limited to, costs associated with any engineering, surveys, appraisals and deed preparation
89 related to the conveyances and transfers authorized in this section as such costs may be
90 determined by the commissioner of capital asset management and maintenance.

91 (e) The commissioner may retain or grant rights of way or easements for access, egress, utilities
92 and drainage across any of the parcels in this section and across other commonwealth property
93 contiguous to any of the parcels, and the commonwealth may accept from a town or developer
94 such rights of way or easements in roadways or across any of the parcels to be conveyed or
95 transferred for access, egress, drainage and utilities as the commissioner considers necessary and
96 appropriate to carry out this section.

97 (f) No agreement for the sale, lease, transfer or other disposition of the properties listed in
98 subsection (b), and no deed executed by or on behalf of the commonwealth, shall be valid unless
99 the agreement or deed contains the following certification, signed by the commissioner:

100 “I, the undersigned commissioner of capital asset management and maintenance, hereby certify
101 under penalties of perjury that I have fully complied with the relevant provisions of the general
102 appropriation act for fiscal year 2012 in connection with the property described in this
103 document.”

104 (g) Each parcel described in subsections (b), (h) and (i) shall be conveyed or leased without
105 warranties or representations by the commonwealth. Notwithstanding any general or special law
106 to the contrary, the proceeds of all conveyances and transfers under this section shall be
107 deposited in the General Fund.

108 (h) Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other
109 general or special law to the contrary, the commissioner of capital asset management and
110 maintenance may sell, lease for a term up to 99 years, including all renewals and extensions, or
111 otherwise grant, convey or transfer to the town of Belchertown, for nominal consideration, a
112 parcel of land containing approximately 2.2 acres located adjacent to the John Patrick center at
113 47 State street. The exact boundaries of the parcel shall be determined by the commissioner of
114 capital asset management and maintenance after completion of a survey. The town of
115 Belchertown shall be responsible for all costs and expenses including, but not limited to, costs
116 associated with any engineering, surveys, appraisals and deed preparation related to the
117 conveyance authorized in this subsection as such costs may be determined by the commissioner
118 of capital asset management and maintenance.

119 The parcel shall be used by the town of Belchertown for recreational activities and facilities. If
120 for any reason the parcel described in this subsection ceases to be used solely for the purposes
121 described, the commissioner of capital asset management and maintenance may, after giving

122 notice and an opportunity to the town of Belchertown, cause title to the parcel to revert to the
123 commonwealth.

124 (i) Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other
125 general or special law to the contrary, the commissioner of capital asset management and
126 maintenance may sell, lease for a term up to 99 years, including all renewals and extensions, or
127 otherwise grant, convey or transfer to the city of Northampton, for nominal consideration, those
128 certain parcels of land located in said city behind the property used as a department of mental
129 health center for children and families at 78 Pomeroy terrace, or portions thereof, containing
130 approximately 6 acres, together with any buildings and structures thereon, used as a department
131 of mental health center for children and families. The city of Northampton shall be responsible
132 for all costs and expenses including, but not limited to, costs associated with any engineering,
133 surveys, appraisals and deed preparation related to the conveyance authorized in this subsection
134 as such costs may be determined by the commissioner of capital asset management and
135 maintenance.

136 (j) Notwithstanding any general or special law to the contrary, prior to offering either of the
137 properties described in clauses (2) and (3) of subsection (b) for disposition, the commissioner
138 shall notify the city of New Bedford in writing of its intention to dispose of either or both of
139 these properties and shall offer to sell, lease for terms up to 99 years, including all renewals and
140 extensions, or otherwise grant, convey or transfer to the city an interest in either of those
141 properties, or portions thereof, and shall enter into negotiations with the city to sell, lease for
142 terms up to 99 years, including all renewals and extensions, or otherwise grant, convey or
143 transfer to the city an interest in either of those properties, or portions thereof, if the

144 commissioner receives written notice from the city of an interest in either property or any portion
145 thereof within 90 days of the date of the city's receipt of the commissioner's written notice.