

Senate, No. 2571

[Senate, July 27, 2010 - Substituted by amendment by the Senate (Ways and Means) for Senate, No. 1402.]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

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.** Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the
2 General Laws, the division of capital asset management and maintenance, in consultation
3 with the department of conservation and recreation, may execute and deliver on behalf of
4 the commonwealth, subject to such terms and conditions as may be determined by the
5 division in consultation with the department, 1 or more instruments to lease certain land
6 together with the buildings thereon, now part of a state forest under the care and control
7 of the department and consisting of approximately 20 acres on the shore of Thompson's

8 pond located in the town of Spencer, the leased area to be shown on a plan of land
9 suitable for recording, to the Worcester County 4H Center Committee for terms not to
10 exceed 25 years for use as a meeting place for the committee, for the development of
11 interest in agriculture by young people and to run a summer day camp program. The
12 lease authorized by this act shall commence upon the expiration of the lease for the land
13 and buildings authorized by chapter 256 of the acts of 1971. The lease shall also contain
14 such terms and conditions as necessary to comply with all laws for the protection of fish,
15 birds and quadrupeds and the preservation and development of the forest. The control
16 and supervision of the land and buildings shall remain under the department, except as
17 provided under the terms of the lease, and all provisions relating to state forests not
18 inconsistent with this act shall remain in full force and effect. The lease price to be paid
19 by the Worcester County 4H Center Committee for the land and buildings shall be the
20 full and fair market value of the land and buildings for use as described in this act, such
21 fair market value to be determined by 1 or more professional appraisals commissioned by
22 the division; provided however, that the lease price may be reduced or waived by the
23 division, in consultation with the department, in the event that such payment imposes a
24 hardship on the lessee or significantly interferes with the operations of the Worcester
25 County 4H Center Committee at the property as demonstrated in an annual financial
26 statement to be submitted by the Worcester County 4H Center Committee to the division
27 and the department. The amount of any reduction in the lease payment shall in no event
28 exceed the dollar amount of capital improvements made to the buildings and grounds by
29 the Worcester County 4H Center Committee as documented in the annual financial
30 statement. Thirty days before the execution of a lease authorized by this act or any

31 subsequent amendment to the lease, the commissioner shall submit the lease or
32 amendment and a report thereon to the inspector general. The inspector general shall
33 review and approve the appraisal or appraisals and the review and appraisal shall include
34 an examination of the methodology utilized for the appraisal or appraisals. The inspector
35 general shall prepare a report of his review and approval of the appraisal and file a report
36 with the commissioner and copies of the same shall be filed with the house and senate
37 committees on ways and means and with the chairmen of the joint committee on state
38 administration at least 15 days before execution of the lease or amendment. The price
39 paid by the Worcester County 4H Center Committee for any such lease or amendment
40 authorized by this act shall be deposited in the General Fund of the commonwealth.

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

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

52 **SECTION 4.** If, during the term of the lease, the Worcester County 4H Center
53 Committee, for a period of 2 years, does not use the land and buildings for the purposes
54 described herein, the lease authorization may be terminated upon notice to the committee
55 and the land and buildings, together with any improvements thereon, shall revert to the
56 commonwealth under the care and control of the department. Any further disposition of
57 the parcel shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General
58 Laws and shall have the prior approval of the general court.

59 **SECTION 5.** Except as provided herein, nothing in this act shall be construed to
60 prevent the use of the forest by the public to the same extent as if this act had not been
61 enacted.

62 **SECTION 6.** The commissioner of capital asset management and maintenance, in
63 consultation with the department of conservation and recreation, may extend or renew the lease
64 authorized in this act for an additional period for not more than 20 years upon such terms that are
65 consistent with this act.