

# HOUSE . . . . . No. 3565

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  
2 after the words "Horseneck Beach State Reservation", inserted by section 2 of chapter 164 of the  
3 acts 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  
16 after the fourth paragraph the following paragraph:-

17           Notwithstanding section 182B of chapter 6 of the General Laws, the department shall, as  
18 a 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  
22 out, in 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  
24 recently amended by section 84 of chapter 139 of the acts of 2006, is hereby further amended by  
25 striking out, in lines 43 to 45, inclusive, the words “relocation of the Amesbury department of  
26 public works barn in the town of Amesbury to the site formerly known as Microfab” and  
27 inserting in place thereof the following words:- redevelopment and revitalization of the Lower  
28 Mill yard in the town of Amesbury.

29 SECTION 5. Item 6035-0817 of section 2A of chapter 303 of the acts of 2008, as  
30 amended by section 30 of chapter 26 of the acts of 2009, is hereby further amended by striking  
31 out the words “\$350,000 shall be expended for lighting improvements to the new Parker river  
32 bridge or the North and South approaches to the bridge on route 1A in the town of Newbury” and  
33 inserting in place thereof the following words:- \$250,000 may be expended for the town’s  
34 rehabilitation of a portion of River road in the town of Merrimac; provided further, that \$50,000  
35 may be expended for the improvement of the DPW garage, located at 197 High road in the town  
36 of Newbury; provided further, that such sum shall be placed into the town of Newbury’s chapter  
37 90 account in 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  
48 General Laws or any other general or special law to the contrary and, in order to facilitate the  
49 reuse of the properties identified in subsections (b), (h) and (i) and to generate non-tax revenues  
50 for the commonwealth, the commissioner of capital asset management and maintenance may  
51 sell, lease for terms up to 99 years, including all renewals and extensions, or otherwise grant,  
52 convey or transfer to purchasers or lessees an interest in any of those properties, or portions  
53 thereof, subject to this section and on the terms and conditions that the commissioner considers  
54 appropriate. The commissioner shall dispose of each property, or portion thereof, using  
55 appropriate competitive bidding processes and procedures. At least 30 days before the date on

56 which bids, proposals or other offers to purchase or lease a property, or any portion thereof, are  
57 due, the commissioner shall place a notice in the central register published by the state secretary  
58 under section 20A of chapter 9 of the General Laws stating the availability of the property, the  
59 nature of the competitive bidding process and other information that he considers relevant,  
60 including the time, place and manner for the submission of bids and proposals and the opening of  
61 the bids or 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  
64 street, or portions thereof, containing approximately 5.4 acres, together with any buildings or  
65 structures thereon, known as the John Patrick center.

66 (2) That certain parcel of land located in the city of New Bedford at 593 Kempton  
67 street, together with any buildings and structures thereon, formerly known as the Bristol county  
68 jail, described in book 2659, page 15 recorded with the Bristol county registry of deeds, and  
69 further 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  
71 street, together with any buildings and structures thereon, formerly known as the New Bedford  
72 armory; provided, however, that prior to sale, lease, grant, or conveyance of the subject property,  
73 the commissioner shall enter into a historical covenant agreement with the Massachusetts  
74 Historical Commission.

75 (4) Those certain parcels of land located in the town of Oak Bluffs between the  
76 northeasterly side of Eastville avenue and the southeasterly side of Temahigan avenue, or  
77 portions thereof, containing approximately 1.7 acres, together with any buildings and structures  
78 thereon, used as a mental health center, described in book 303, page 516 recorded with the  
79 Dukes county registry of deeds and shown on the Oak Bluffs assessors map 4, lot 151; provided,  
80 however, that notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws,  
81 or any other general or special law to the contrary, the commissioner of capital asset  
82 management and maintenance may transfer care, custody and control of said parcel from the  
83 department of mental health to the department of state police.

84 (c) The exact boundaries of the parcels described in subsection (b) shall be determined by  
85 the 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  
87 property identified in subsection (b) shall be responsible for all costs and expenses including, but  
88 not 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,  
92 utilities and drainage across any of the parcels in this section and across other commonwealth  
93 property contiguous to any of the parcels, and the commonwealth may accept from a town or  
94 developer such rights of way or easements in roadways or across any of the parcels to be  
95 conveyed or transferred for access, egress, drainage and utilities as the commissioner considers  
96 necessary and 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  
101 certify under penalties of perjury that I have fully complied with the relevant provisions of the  
102 general 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  
105 without warranties or representations by the commonwealth. Notwithstanding any general or  
106 special law to the contrary, the proceeds of all conveyances and transfers under this section shall  
107 be deposited in the General Fund.

108 (h) Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or  
109 any other general or special law to the contrary, the commissioner of capital asset management  
110 and maintenance may sell, lease for a term up to 99 years, including all renewals and extensions,  
111 or 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  
120 facilities. If for any reason the parcel described in this subsection ceases to be used solely for the  
121 purposes described, the commissioner of capital asset management and maintenance may, after  
122 giving notice and an opportunity to the town of Belchertown, cause title to the parcel to revert to  
123 the commonwealth.

124 (i) Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or  
125 any other general or special law to the contrary, the commissioner of capital asset management  
126 and maintenance may sell, lease for a term up to 99 years, including all renewals and extensions,  
127 or otherwise grant, convey or transfer to the city of Northampton, for nominal consideration,

128 those certain parcels of land located in said city behind the property used as a department of  
129 mental health center for children and families at 78 Pomeroy terrace, or portions thereof,  
130 containing approximately 6 acres, together with any buildings and structures thereon, used as a  
131 department of mental health center for children and families. The city of Northampton shall be  
132 responsible for all costs and expenses including, but not limited to, costs associated with any  
133 engineering, surveys, appraisals and deed preparation related to the conveyance authorized in  
134 this subsection as such costs may be determined by the commissioner of capital asset  
135 management and maintenance.

136 (j) Notwithstanding any general or special law to the contrary, prior to offering either of  
137 the 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.