

**Senate . . . . . No. 2326**

Message from His Excellency the Governor (pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts) returning with recommendation of amendment the engrossed Bill establishing the Sandwich Economic Initiative Corporation.

**The Commonwealth of Massachusetts**



DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133  
(617) 725-4000

3/12/2010

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Senate Bill No. 2073, “An Act Establishing the Sandwich Economic Initiative Corporation.”

The bill establishes a public corporation, the Sandwich Economic Initiative Corporation (the “Corporation”), to promote and facilitate redevelopment and economic development in Sandwich. The Corporation is vested with an array of general powers necessary to fulfill its purposes, including the development, management and operation of facilities and infrastructure necessary to support economic development, the protection and preservation of open space, and the development of housing. Its powers are similar to those of a city or town economic development and industrial corporation (EDIC), but without the oversight of local and state agencies and the power of eminent domain. The Corporation, which will be managed by a volunteer, appointed 9-member Board of Directors, may borrow money and issue revenue bonds to finance its development projects. In addition, the Town may borrow money to provide to the Corporation in the form of loans or grants.

This legislation is similar to St. 2008, c. 365 and St. 2007, c. 40, which establish public corporations to facilitate development in Walpole and Marlborough respectively.

I am in favor of the overall bill but am returning it for amendments to remove: (1) the bill’s exemption of the Corporation from various procurement laws relating to construction, and (2) the bill’s exemption of the meetings of the Corporation and the Board of Selectmen, held to consider proposed development plans, from the open meeting law that would otherwise apply. I do not believe that these exemptions are necessary to effectuate the underlying goals of this important legislation.

For this reason, I recommend that Senate Bill No. 2073 be amended all follows:

In Section 2, by striking out, in paragraph (27) of subsection (b), the words “notwithstanding any general or special law to the contrary, the corporation may enter into contracts, in conformance with chapter 30B of the General Laws, for the construction, reconstruction, installation, demolition, maintenance or repair of any public building or public work without said contract being subject to the designer selection process as set forth in sections 38A ½ to 38O, inclusive, of chapter 7 of the General Laws, section 39M of chapter 30 of the General Laws or the competitive bid process of sections 44A to 44J, inclusive, of chapter 149 of the General Laws; and provided further that construction projects undertaken by the corporation shall be subject to the prevailing wage law requirements of chapter 149 of the General Laws and;” and inserting in place thereof the following words:- the corporation may enter into contracts, in conformance with chapter 149 of the General Laws, for the construction, reconstruction, installation, demolition, maintenance or repair of any public building or public work without said contract being subject to the designer selection process as set forth in sections 38A ½ to 38O, inclusive, of chapter 7 of the General Laws; and provided further that construction projects undertaken by the corporation.

In section 6, by striking out the words “provided, however, that notwithstanding section 23B of chapter 39 of the General Laws, the board of selectmen may meet with the board of directors in executive session for the purpose of considering proposed development plans of the corporation. The board of directors may meet with persons proposing a development plan in executive session.”

Respectfully submitted,  
DEVAL L. PATRICK,  
*Governor.*