

HOUSE No. 1885

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act authorizing the lease of conservation land in the town of Easton for agricultural purposes and to establish the Tufts Farm Maintenance Fund..

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. The town of Easton acting by and through its conservation commission,
2 may lease certain parcels of conservation land with buildings thereon for the purpose of
3 conducting an agricultural use of the property. Notwithstanding section 3 of chapter 40 of the
4 General Laws, the lease may be for such terms of years not to exceed 10 years and on such terms
5 and conditions as the conservation commission may determine. The parcel of land is identified
6 as Tufts Farm located at 108 Canton Street as shown on Assessors Map 6U, Parcel 8 and the
7 adjacent parcel of conservation land located off Bay Road as shown on Assessors Map 10U
8 Parcel 10 hereinafter referred to collectively as Tufts Farm.

9 SECTION 2. Notwithstanding any general or special law to the contrary, the town of
10 Easton may establish the Tufts Farm Maintenance Fund to receive and expend funds, without
11 further appropriation, to operate, maintain, manage and improve Tufts Farm at the direction of
12 the town conservation commission under section 8C of chapter 40 of the General Laws.

13 SECTION 3. Notwithstanding sections 53 and 53A of chapter 44 of the General Laws,
14 the income received by the commission including, but not limited to, the proceeds from the lease
15 of Tufts Farm shall be deposited into the fund. The treasurer, who shall be the custodian of the
16 fund, may invest and deposit the funds as provided in section 8C of chapter 40 of the General
17 laws and any income derived from such funds shall be credited to the account. The funds shall
18 be available to the commission, without further appropriation, to maintain and improve Tufts
19 Farm. Maintenance and improvement costs for Tufts Farm may include, but shall not be limited
20 to: (a) land management surveys and mapping; (b) property improvements including trail
21 establishment or improvement, parking, trash pickup and the protection and development of
22 wildlife and plant habitats; (c) maintenance of the house, barn and other structures; (d) legal and
23 other professional or consulting services; (e) improvement and maintenance of the property and
24 buildings for educational purposes, including classes, walks, lectures, demonstrations and related
25 expenses; and (f) improvement and maintenance of the buildings and land so that the area may
26 be used for farming including, but not limited to, growing crops and hay, gardening and raising
27 animals.

28 SECTION 4. The commission may establish and adopt operating standards and
29 performance criteria for work done in connection with Tufts Farm, which may include, but shall
30 not be limited to, restrictions on the nature and method of work performed, such as those related
31 to seasonal or weather-related conditions, methods of stream crossings, stone wall repairs and the
32 use of oil or other toxic or harmful material.

33 SECTION 5. The commission may enter into contracts to carry out this act. The
34 commission may include in a contract a requirement that it not be held liable with respect to
35 claims, injuries, costs, damages or other relief arising out of, or related to, the subject matter of

36 the contract. The commission may require a person performing labor or services to maintain
37 liability insurance and performance bonds. The standards and criteria adopted by the
38 commission under section 4 may be incorporated into contracts entered into by the commission
39 under this section.

40 SECTION 6. The commission may receive gifts from any source and appropriations
41 from the town of Easton for deposit into the fund.

42 SECTION 7. The funds accumulated before the effective date of this act from the
43 sources listed in section 3 shall be transferred to the fund.

44 SECTION 8. The town accountant shall annually audit the fund and submit a copy of the
45 audit to the board of selectmen. The board of selectmen shall publish the audit in the town's
46 annual report.

47 SECTION 9. Nothing in this act shall limit the powers and authority of the commission
48 or limit or deny the commission any rights, power or authority granted by any general or special
49 law or by-law of the town of Easton.

50 SECTION 10. This act shall take effect upon its passage.

51 or take any action in respect thereto