

HOUSE No. 4153

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to development in the towns of Monson and Templeton..

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. (a) As used in this section, the following words shall, unless the context
2 clearly indicates otherwise, have the following meanings:-

3 "Commissioner", the commissioner of capital asset management and maintenance.

4 "Developer", a person, entity or governmental body that acquires an ownership or
5 leasehold interest in the site or any portion thereof pursuant to this section.

6 "Division", the division of capital asset management and maintenance.

7 "MDC committee", the Monson Developmental Center Reuse Committee, which shall
8 include 3 representatives of the town of Monson, 1 of whom shall be a member of the Monson
9 board of selectmen or his designee who shall serve as chairperson, 1 of whom shall be a member
10 of the Monson planning board or his designee, and 1 of whom shall be chosen by the Monson
11 board of selectmen; 1 representative of the community preservation committee; 1 representative
12 of the division of capital asset management and maintenance; and 1 representative of Parents and

13 Friend. Such members shall be appointed annually by the local governing authority. The senator
14 and representative who represent the town shall serve as ex-officio members.

15 "MDC site," the area of state-owned land located in the town of Monson known as the
16 Monson Developmental Center, together with the buildings and improvements thereon and the
17 rights, easements and other interests appurtenant thereto.

18 "Plan", a reuse plan prepared by the MDC committee and TDC committee which shall be
19 approved by the commissioner and filed in accordance with subsection (b); provided, however,
20 that the plan may be enhanced, refined or amended from time to time as provided in this section
21 and shall include uses that promote environmental preservation, open space and any other use
22 found to be appropriate by the town and the committee.

23 "Selection committee", the proposal selection committee established to review proposals
24 and make recommendations to the commissioner, which shall include 1 representative of the
25 respective town chosen by the board of selectmen to be appointed annually; 1 representative of
26 the division of capital asset management and maintenance; 1 representative from the MDC
27 committee; and 1 representative from the TDC committee.

28 "TDC committee", the Templeton Developmental Center Reuse Committee, which shall
29 include 3 representatives of the town of Templeton, 1 of whom shall be a member of the
30 Templeton board of selectmen or his designee who shall serve as chairperson, 1 of whom shall
31 be a member of the Templeton planning board or his designee, and 1 of whom shall be chosen by
32 the Templeton board of selectmen; 1 representative of the community preservation committee; 1
33 representative of the division of capital asset management and maintenance; and 1 representative
34 of the legal guardians of the clients currently housed at Templeton Developmental Center. Such

35 members shall be appointed annually by the local governing authority. The senator and
36 representative who represent the town shall serve as ex-officio members.

37 "TDC site", the area of state-owned land located in the town of Templeton known as the
38 Templeton Developmental Center, together with the buildings and improvements thereon and the
39 rights, easements and other interests appurtenant thereto.

40 (b) The commissioner shall undertake planning, studies and preparation of plans and
41 specifications necessary to carry out the provisions of this section consistent with the plan. The
42 TDC committee and MDC committee shall file the plans with the commissioner within 180 days
43 after the effective date of this section. The commissioner shall consult with the TDC committee
44 and the MDC committee on any amendment to the plan and shall develop, issue and advertise
45 requests for proposals consistent with the plan within 90 days of receipt of the plan. Upon receipt
46 of proposals the commissioner shall convene the selection committees for the purpose of
47 reviewing and making recommendations regarding selection to the commissioner. The
48 respective town's governing authority shall be encouraged to submit proposals for uses
49 consistent with the plan for some or all of the property. Should proposals from the
50 municipalities be among those recommended to the commissioner, the commissioner shall
51 reasonably accommodate the schedule required for town meeting votes, should said vote be
52 required to complete or approve a proposal, prior to making any final decisions on the proposals.
53 In regard to TDC, any re-use must be consistent with chapter 504 of the acts of 2002 which
54 limits some uses on the TDC site. Further, any reuse shall be consistent with restrictions
55 resulting from the TDC and MDC sites being listed on the National Historic Register.

56 (c) The commissioner may, subject to sections 40E to section 40J, inclusive, of chapter 7
57 of the General Laws, and in accordance with this section and the plan and subject to such terms
58 and conditions as the commissioner may, from time to time, prescribe, solicit, evaluate and select
59 development proposals, enter into land disposition agreements, enter into agricultural leases for
60 up to 5 years, sell, lease for terms of up to 99 years including extensions or otherwise grant,
61 convey or transfer to a developer, any interest in the site or portions thereof and any facilities,
62 associated improvements or appurtenances thereon, on such terms and conditions as the
63 commissioner deems appropriate provided the end use meets the guidelines developed by the
64 MDC committee and the TDC committee. The amount of consideration for the sale, lease or
65 other disposition of any interest in the sites or portion thereof shall be the full and fair market
66 value or the highest and best value of the property determined by independent appraisal.
67 Additionally, the respective towns may to collect property taxes or payments in lieu of taxes if
68 land is leased or sold for taxable uses. The inspector general shall review and comment on the
69 appraisal and the review shall include an examination of the methodology used for the appraisal.
70 The inspector general shall prepare a report of his review and file said report with the
71 commissioner for submission to the house and senate committees on ways and means and the
72 joint committee on state administration. No less than 2 public comment sessions shall take place.
73 The developer shall be responsible for any costs of appraisals, surveys and other expenses
74 relating to the transfer of the parcel or for any costs, liabilities and expenses of any nature and
75 kind for the development, maintenance or operation of the parcel. In the event the parcel of land
76 ceases to be used at any time for the purposes contained herein as deemed by the appropriate
77 reuse committee, the parcel of land shall revert to the care and control of the division of capital
78 asset management and maintenance and any further disposition of the parcel of land shall be

79 subject to said sections 40E to 40J, inclusive, of said chapter 7. The town that contains the
80 affected property shall retain the right to contend that the current use of the property is not
81 appropriate through action of the local board of selectmen or town meeting vote. The
82 commissioner shall, 30 days before the execution of any agreement or amendment thereto
83 authorized by this section, submit the agreement or amendment and a report thereon to the
84 inspector general for review and comment. No less than 2 public comment sessions shall take
85 place. The inspector general shall issue his review and comment within 30 days after receipt of
86 any agreement or amendment. The commissioner shall submit the agreement and any subsequent
87 amendments thereof, the reports and the comments of the inspector general, if any, to the house
88 and senate committees on ways and means and the joint committee on state administration at
89 least 30 days before execution.

90 (d) The affected town's board of selectmen shall have the right of first refusal before any
91 decision is made as to the reuse or sale of either the land or facilities in each town.

92 (e) Notwithstanding any general or special law to the contrary, the commissioner may,
93 subject to appropriation, and subject to sections 40E to 40G, inclusive, 40I and 40J of chapter 7
94 of the General Laws retain, accept or acquire by purchase, transfer, lease, eminent domain,
95 pursuant to chapter 79 of the General Laws, or otherwise, grant by deed, transfer, lease, eminent
96 domain, pursuant to said chapter 79, or otherwise, or grant by deed, transfer, lease or otherwise,
97 any rights-of-way or easements, in, over and beneath the site or portions thereof or other
98 property in the commonwealth contiguous to the site for drainage, access, egress, utilities and
99 other purposes, as the commissioner deems necessary and appropriate to carry out the purposes
100 of this section. The commissioner shall seek advice from the appropriate reuse committee prior
101 to the implementation of any action.

102 (f) The department of developmental services, with the approval of the commissioner,
103 may enter into contracts for the provision of building management services for buildings and
104 facilities located on the site as deemed by the commissioner and the reuse committee.

105 (g) Notwithstanding any general or special law to the contrary, the commissioner may
106 employ designers who prepare studies or programs or other design services for the construction,
107 renovation, reconstruction, alteration, improvement, demolition, expansion or repair of buildings
108 on the MDC site and the TDC site to prepare plans and specifications and provide any other
109 design services deemed necessary by the commissioner for such projects. The commissioner
110 shall obtain an independent comprehensive value engineering review of the completed study and
111 program to identify proposed functions of the facility, evaluate the construction cost estimates,
112 calculate estimated life-cycle costs and develop recommended design changes that will produce a
113 more cost-effective facility by modifying or eliminating features that add cost but do not add to
114 the quality, useful life, utility or appearance of the facility. The commissioner shall obtain an
115 independent comprehensive value engineering review of the completed schematic design
116 documents to identify proposed functions of the facility, evaluate the construction cost estimates,
117 calculate estimated life-cycle costs and develop recommended design changes that will produce a
118 more cost-effective facility by modifying or eliminating features that add cost but do not add to
119 the quality, useful life, utility or appearance of the facility before the acceptance by the
120 commissioner. The commissioner shall document the reasons for accepting, modifying or
121 rejecting all value engineering recommendations.

122 SECTION 2. This act shall take effect as of July 1, 2009.