

HOUSE No. 4351

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act RELATIVE TO THE LEASING OF THE LIFESAVING STATION IN THE TOWN OF WESTPORT TO THE WESTPORT FISHERMAN’S ASSOCIATION..

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, as most recently amended by
2 section 14 of chapter 312 of the acts of 2008, is hereby amended by striking out the words
3 “environmental management”, in line 2, and inserting in place thereof the following words:-
4 “conservation and recreation”.

5 SECTION 2. Said section 44 of said chapter 85 is hereby further amended by inserting
6 after the word “forest”, in line 44, the following words:- Horseneck Point Lifesaving Station in
7 the Horseneck Beach State Reservation.

8 SECTION 3. Notwithstanding the provisions of sections 40F to 40J, inclusive, of chapter
9 7 of the General Laws, or section 44 of chapter 85 of the acts of 1994 or any other special law or
10 rule or regulation to the contrary, the commissioner of the department of conservation and
11 recreation may lease certain land and the building thereon to the Westport Fisherman’s
12 Association. The parcel, the exact boundaries of which shall be established prior to such
13 conveyance by a survey commissioned by said commissioner, is located at the corner of West

14 Beach and East Beach roads at Gooseberry Neck in the Town of Westport and known as the
15 Horseneck Point Lifesaving Station. Notwithstanding any other provision of law, the term of
16 such lease shall be 25 years, subject to extension for another 10 year term at the discretion of the
17 commissioner.

18 SECTION 4. Notwithstanding any general or special law to the contrary, the parcel
19 described in section 3 of this act shall be leased subject to a restriction limiting the use of the
20 parcel to operating a lifesaving museum and promoting the appreciation of the Horseneck Point
21 Lifesaving Station and historic resources. If at any time the property ceases to be used for the
22 purposes described in this section or should the commissioner of the department of conservation
23 and recreation determine that the Westport Fishermen's Association has failed to comply with
24 the terms of the lease entered into between said department and the Westport Fishermen's
25 Association, the commissioner shall give written notice to the lessee of the unauthorized use. The
26 lessee shall, upon receipt of the notice, have 30 days to respond and a reasonable time to
27 establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter
28 established, the lease of the parcel, upon the recording of a notice thereof by the commissioner in
29 the appropriate registry of deeds, shall terminate and any further disposition of the property shall
30 be subject to chapter 7 of the General Laws.

31 SECTION 5. Notwithstanding any general or special law, or any rule or regulation to the
32 contrary, the commissioner of the division of capital asset management and maintenance shall,
33 30 days before the execution of any lease authorized by this act, or any subsequent amendment
34 thereto, submit the proposed lease or amendment and a report thereon to the inspector general for
35 his review and comment. The inspector general shall issue his review and comment within 15
36 days of receipt of the proposed lease or amendment. The commissioner of the division of capital

37 asset management and maintenance shall submit the proposed lease or amendment, and the
38 reports and the comments of the inspector general, if any, to the house and senate committees on
39 ways and means and the joint committee on state administration and regulatory oversight at least
40 15 days before execution of said lease.

41 SECTION 6. Notwithstanding any general or special law to the contrary, the lessee shall
42 be responsible for all costs associated with the lease of the property under this act including but
43 not limited to, costs associated with any engineering, surveys and legal or recording fees as such
44 costs may be determined by the commissioner of the division of capital asset management and
45 maintenance. During the term of the lease, the lessee shall be solely responsible for all costs,
46 liabilities and expenses of any nature and kind for the development, maintenance and operation
47 of the leased property.

48 SECTION 7. Use of the Horseneck Lifesaving Station shall be in compliance with all
49 applicable statutes, regulations and executive orders, including, but not limited to, laws relating
50 to environmental protection and the Westport Fishermen's Association shall secure all necessary
51 approvals and permits. Failure to obtain or maintain compliance with said statutes, regulations
52 and executive orders or to obtain and maintain permits and approvals shall constitute cause for
53 termination of said lease and the notice and right to cure provisions of section 4 shall apply.

54 SECTION 8. The use of the Horseneck Point Lifesaving Station shall not interfere with
55 the commonwealth's use and operation of adjacent property as a state park.