

SENATE No. 1402

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center..

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 division of capital asset management and maintenance, notwithstanding
2 the provisions of sections 40E through 40J, inclusive, of chapter 7 of the General laws, may, in
3 consultation with the department of environmental management, execute and deliver on behalf of
4 the commonwealth, subject to such terms and conditions as may be determined by the division in
5 consultation with the department, one or more instruments to lease certain land together with the
6 buildings thereon, now part of a state forest under the care and control of the department and
7 consisting of approximately 20 acres on the shore of Thompson's pond located in the town of
8 Spencer, the leased area to be shown on a plan of land suitable for recording, to the Worcester
9 County 4H Center Committee for a term or terms not to exceed 25 years for use as a meeting
10 place for the committee, for the development of interest in agriculture by young people, and to
11 run a summer day camp program. The lease authorized by this act shall commence upon the
12 expiration of the lease for the land and buildings authorized by chapter 256 of the acts of 1971.
13 The lease shall also contain such terms and conditions as will comply with all laws in relation to
14 the protection of fish, birds, and quadrupeds and the preservation and development of the forest.

15 The control and supervision of the land and buildings shall remain under the department, except
16 as provided under the terms of the lease, and all provisions relating to state forests not
17 inconsistent with the provisions of this act shall remain in full force and effect. The lease price
18 to be paid by the Worcester County 4H Center Committee for the land and buildings parcel shall
19 be the full and fair market value of said land and buildings for use as a meeting place for the
20 committee, for the development of interest in agriculture by young people, and to run a summer
21 day camp program, as determined by one or more professional appraisals commissioned by said
22 division; provided however, that the lease price may be reduced or waived by the division, in
23 consultation with the department, in the event payment thereof imposes a hardship on the lessee
24 or significantly interferes with the operations of the Worcester County 4H Center Committee at
25 the property described above as demonstrated in an annual financial statement to be submitted by
26 the Worcester County 4H Center Committee to the division and the department. The amount of
27 any reduction in the lease payment shall in no case exceed the dollar amount of capital
28 improvements made to the buildings and grounds by the Worcester County 4H Center
29 Committee as documented in the annual financial statement. The commissioner shall, 30 days
30 prior to the execution of any lease or leases authorized by this act or any subsequent amendment
31 thereof, submit the lease or leases, or amendments thereto and a report thereon to the inspector
32 general. The inspector general shall review and approve the appraisal or appraisals, and the
33 review and appraisal shall include an examination of the methodology utilized for the appraisal
34 or appraisals. The inspector general shall prepare a report of his review and approval of the
35 appraisal or appraisals, lease or leases, or amendments and file his report with the commissioner,
36 and copies of the same shall be filed with the house and senate committees on ways and means
37 and with the chairmen of the joint committee on state administration at least 15 days prior to said

38 execution. The lease price paid by the Worcester County 4H Center Committee for any lease or
39 leases, and any amendments thereof authorized by this act shall be deposited in the general fund
40 of the commonwealth. SECTION 2. The Worcester County 4H Center Committee shall be
41 responsible for all costs associated with any appraisal, survey, or other expense incurred by the
42 commonwealth relating to the lease or leases authorized by section 1 of his act, and for any costs,
43 liabilities, or expenses of any kind for the development, improvement, maintenance, or operation
44 of said parcel as may be determined by the division in consultation with the department.

45 SECTION 3. The Worcester County 4H Center Committee shall carry such comprehensive
46 liability insurance, in an amount deemed adequate by the commissioner of the division to protect
47 the commonwealth and the committee against personal injury or property damage occurring on
48 the leased land, within the buildings, or within any other structures built or used by the
49 committee on the land during the term of any lease or leases authorized by this act. SECTION 4.
50 Upon failure of the Worcester County 4H Center Committee, for a period of two years, to make
51 use of the land and buildings for the purposes described herein, the lease hereby authorized may
52 be terminate upon notice to the committee, and the land and building together with any
53 improvements thereon shall revert to the commonwealth under the care and control of the
54 department. Any further disposition of said parcel shall be subject to the provisions of sections
55 40E through 40J, inclusive, of chapter 7 of the General Laws and must have the prior approval of
56 the general court. SECTION 5. Except as provided herein, nothing in this act shall be construed
57 to prevent the use of the forest by the public to the same extent as if this act had not been
58 enacted.