

SENATE No. 2326

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act 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 the engrossed Bill establishing the Sandwich Economic Initiative Corporation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 To the Honorable Senate and House of Representatives:

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

5 The bill establishes a public corporation, the Sandwich Economic Initiative Corporation
6 (the “Corporation”), to promote and facilitate redevelopment and economic development in
7 Sandwich. The Corporation is vested with an array of general powers necessary to fulfill its
8 purposes, including the development, management and operation of facilities and infrastructure
9 necessary to support economic development, the protection and preservation of open space, and
10 the development of housing. Its powers are similar to those of a city or town economic
11 development and industrial corporation (EDIC), but without the oversight of local and state
12 agencies and the power of eminent domain. The Corporation, which will be managed by a

13 volunteer, appointed 9-member Board of Directors, may borrow money and issue revenue bonds
14 to finance its development projects. In addition, the Town may borrow money to provide to the
15 Corporation in the form of loans or grants.

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

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

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

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

35 contracts, in conformance with chapter 149 of the General Laws, for the construction,
36 reconstruction, installation, demolition, maintenance or repair of any public building or public
37 work without said contract being subject to the designer selection process as set forth in sections
38 38A ½ to 38O, inclusive, of chapter 7 of the General Laws; and provided further that
39 construction projects undertaken by the corporation.

40 In section 6, by striking out the words “provided, however, that notwithstanding section
41 23B of chapter 39 of the General Laws, the board of selectmen may meet with the board of
42 directors in executive session for the purpose of considering proposed development plans of the
43 corporation. The board of directors may meet with persons proposing a development plan in
44 executive session.”

45 Respectfully submitted,

46 DEVAL L. PATRICK,

47 Governor.