

**SENATE . . . . . No. 2571**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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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. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General  
2 Laws, the division of capital asset management and maintenance, in consultation with the  
3 department of conservation and recreation, may execute and deliver on behalf of the  
4 commonwealth, subject to such terms and conditions as may be determined by the division in  
5 consultation with the department, 1 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 terms not to exceed 25 years for use as a meeting place for the  
10 committee, for the development of interest in agriculture by young people and to run a summer  
11 day camp program. The lease authorized by this act shall commence upon the expiration of the  
12 lease for the land and buildings authorized by chapter 256 of the acts of 1971. The lease shall  
13 also contain such terms and conditions as necessary to comply with all laws for the protection of  
14 fish, birds and quadrupeds and the preservation and development of the forest. The control and

15 supervision of the land and buildings shall remain under the department, except as provided  
16 under the terms of the lease, and all provisions relating to state forests not inconsistent with this  
17 act shall remain in full force and effect. The lease price to be paid by the Worcester County 4H  
18 Center Committee for the land and buildings shall be the full and fair market value of the land  
19 and buildings for use as described in this act, such fair market value to be determined by 1 or  
20 more professional appraisals commissioned by the division; provided however, that the lease  
21 price may be reduced or waived by the division, in consultation with the department, in the event  
22 that such payment imposes a hardship on the lessee or significantly interferes with the operations  
23 of the Worcester County 4H Center Committee at the property as demonstrated in an annual  
24 financial statement to be submitted by the Worcester County 4H Center Committee to the  
25 division and the department. The amount of any reduction in the lease payment shall in no event  
26 exceed the dollar amount of capital improvements made to the buildings and grounds by the  
27 Worcester County 4H Center Committee as documented in the annual financial statement.  
28 Thirty days before the execution of a lease authorized by this act or any subsequent amendment  
29 to the lease, the commissioner shall submit the lease or amendment and a report thereon to the  
30 inspector general. The inspector general shall review and approve the appraisal or appraisals and  
31 the review and appraisal shall include an examination of the methodology utilized for the  
32 appraisal or appraisals. The inspector general shall prepare a report of his review and approval  
33 of the appraisal and file a report with the commissioner and copies of the same shall be filed with  
34 the house and senate committees on ways and means and with the chairmen of the joint  
35 committee on state administration at least 15 days before execution of the lease or amendment.  
36 The price paid by the Worcester County 4H Center Committee for any such lease or amendment  
37 authorized by this act shall be deposited in the General Fund of the commonwealth.

38 SECTION 2. The Worcester County 4H Center Committee shall be responsible for all  
39 costs associated with any appraisal, survey or other expense incurred by the commonwealth  
40 relating any lease authorized by section 1 and for any costs, liabilities or expenses of any kind for  
41 the development, improvement, maintenance or operation of the parcel as may be determined by  
42 the division in consultation with the department.

43 SECTION 3. The Worcester County 4H Center Committee shall carry such  
44 comprehensive liability insurance, in an amount deemed adequate by the commissioner to  
45 protect the commonwealth and the committee against personal injury or property damage  
46 occurring on the leased land, within the buildings, or within any other structures built or used by  
47 the committee on the land during the term of any such lease authorized by this act.

48 SECTION 4. If, during the term of the lease, the Worcester County 4H Center  
49 Committee, for a period of 2 years, does not use the land and buildings for the purposes  
50 described herein, the lease authorization may be terminated upon notice to the committee and the  
51 land and buildings, together with any improvements thereon, shall revert to the commonwealth  
52 under the care and control of the department. Any further disposition of the parcel shall be  
53 subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws and shall have the  
54 prior approval of the general court.

55 SECTION 5. Except as provided herein, nothing in this act shall be construed to prevent  
56 the use of the forest by the public to the same extent as if this act had not been enacted.

57 SECTION 6. The commissioner of capital asset management and maintenance, in  
58 consultation with the department of conservation and recreation, may extend or renew the lease

59 authorized in this act for an additional period for not more than 20 years upon such terms that are  
60 consistent with this act.