

HOUSE No. 5153

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan D. Zlotnik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the leasing of a certain parcel of land in the city of Gardner.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>10/5/2020</i>

HOUSE No. 5153

By Mr. Zlotnik of Gardner, a petition (subject to Joint Rule 12) of Jonathan D. Zlotnik that the commissioner of Capital Asset Management and Maintenance be authorized to lease a certain parcel of land on the Mount Wachusett Community College campus in the city of Gardner to Heywood Healthcare Inc. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the leasing of a certain parcel of land in the city of Gardner.

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 any general or special law to the contrary, but subject to
2 section 40j of chapter 7 of the General Laws, the commissioner of capital assets management and
3 maintenance may lease, in consultation with the board of higher education and Mount Wachusett
4 Community College, to the Heywood Healthcare Inc., for a term, including extensions, not to
5 exceed 50 years, a parcel of land containing 4.1784 acres, said parcel being a portion of the
6 college’s campus in the city of Gardner and shown on a plan on file with the division of capital
7 asset management and maintenance. The initial term of the lease shall be for a period of 30
8 years with options to renew for 3 additional 10-year terms. The exact boundaries of the parcel
9 shall be determined by the commissioner based upon a survey.

10 SECTION 2. No lease agreement entered into pursuant to this act by or on behalf of the
11 commonwealth shall be valid unless it provides that the parcel shall be used to accommodate
12 additional parking at the Gardner Campus of Heywood Healthcare Inc.

13 No such lease agreement shall be valid unless it further provides that if, for any reason,
14 the parcel ceases to be used for the purposes described in this act, the commonwealth may
15 terminate the lease under such terms and conditions as the division of capital asset management
16 and maintenance, in consultation with the board of higher education and Mount Wachusett
17 Community College, may prescribe.

18 SECTION 3. A lease agreement entered into pursuant to this act by or on behalf of the
19 commonwealth shall be on such terms and conditions as the division of capital asset management
20 and maintenance, in consultation with the board of higher education and Mount Wachusett
21 Community College, deem appropriate. In furtherance and not in limitation of the foregoing,
22 any such lease agreement shall contain a provision that requires the lessee to carry
23 comprehensive general liability insurance with the commonwealth named as an additional
24 insured, protecting the commonwealth against all personal injury or property damage occurring
25 on the parcel during the term of the lease. The lessee shall indemnify and hold the
26 commonwealth and Mount Wachusett Community College harmless for any and all personal
27 injury or property damage caused or suffered by the lessee, its clients or agents.

28 SECTION 4. The lessee shall be responsible for all costs deemed necessary and
29 appropriate by the commissioner of capital sett management and maintenance for the transaction,
30 including, without limitation, all costs for legal work, survey, title and the preparation of plans
31 and specifications. The lessee shall also be responsible for any costs, liabilities or expenses of
32 any kind for the development, improvement, maintenance or operation of the parcel as may be
33 determined by the commissioner of capital asset management and maintenance, in consultation
34 with Mount Wachusett Community College.

35 SECTION 5. The provisions of sections 38A1/2 to 380, inclusive of chapter 7 and
36 sections 44A to 44J, inclusive, of chapter 149 of the General Laws, and any other general of
37 special law relating to the advertising, bidding or award of contract, of to the procurement of
38 services or to the construction and design of buildings and other improvements on
39 commonwealth property shall not be applicable to the lessee, except that the design of and plans
40 and specifications for any buildings or other improvements to be constructed by the lessee shall
41 be subject to the review and approval of the division of capital asset management and
42 maintenance and Mount Wachusett Community College.

43 SECTION 6. If Heywood Healthcare, Inc., ceases to use and maintain the property for the
44 purposes specified in section 2 or uses the property for any other purpose, the lease shall
45 terminate and the property shall revert to the commonwealth.