

# House . . . . . No. 5009

Message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing the town of Sudbury to enter into and to extend wireless facility contracts or leases for periods in excess of 20 years (see House, No. 4715).

## The Commonwealth of Massachusetts



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GOVERNOR

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September 2, 2010

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment House Bill No. 4715, "An Act Authorizing the town of Sudbury to Enter into and to Extend Wireless Facility Contracts or Leases for Periods in Excess of 20 Years."

This bill permits the town of Sudbury (the "Town"), through its Town Manager and with the approval of the Board of Selectmen, to enter into long term leases, contracts or interests in real estate with telecommunications companies for periods longer than 20 years. The Town may renew or negotiate renewal terms of existing leases with wireless service facilities provided that they were initially bid under the Commonwealth's Procurement Act.

I support the objective of providing the Town some additional flexibility with respect to negotiating these particular agreements. In furtherance of that objective, I am returning the bill for amendment to allow the town, at the end of the extensions granted under this legislation, to acquire the wireless service facilities at the depreciated costs. This amendment will make the legislation consistent with the Commonwealth's practice regarding the depreciation of leased assets in similar situations.

For this reason, I recommend that House Bill No. 4715 be amended as follows:

In Section 2, by adding: “; provided, however, that the terms of the leases shall allow the town, at its sole discretion, to acquire said wireless service facilities at the depreciated cost.”

Respectfully submitted,

DEVAL L. PATRICK,

*Governor.*

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In the Year Two Thousand and Nine

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