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preference elections, but shall have two polling places for the purpose of any state or municipal election; provided, however, that one such polling place shall be located to the east of interstate highway route 391, to serve voters residing in ward three, precinct A east of said route and the other polling place shall be located to the west of said interstate highway route 391 to serve voters residing in ward 3, precinct A west of said route.

SECTION 2. The city clerk of the city of Chicopee and the board of registrars of the city of Chicopee are hereby authorized to take all necessary actions to assure compliance herewith including, but not limited to, such actions as will assure the accuracy of the voting lists as located at each such polling place.

SECTION 3. This act shall take effect upon its passage.

Approved January 2, 1997.

Chapter 456. AN ACT PROVIDING FOR A PROBATIONARY PERIOD FOR CERTAIN WESTBOROUGH FIREFIGHTERS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section forty-two of chapter forty-eight of the General Laws, members of the Westborough fire department who are members of the collective bargaining unit shall serve a probationary period as provided for in the collective bargaining agreement. During such probationary period such firefighters shall be employees-at-will.

SECTION 2. This act shall take effect upon its passage.

Approved January 2, 1997.

Chapter 457. AN ACT AUTHORIZING THE COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ENTER INTO CERTAIN LEASE AGREEMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the commissioner of the division of capital planning and operations to enter into certain lease agreements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections forty F½, forty H, and forty I of chapter seven of the General Laws or any other general or special law to the contrary, the commissioner of the division of capital planning and operations is hereby authorized to enter into a lease agreement with the Good Shepherd Association, so-called,

for real estate known as Our Lady of Lourdes School as the convent building and other portions of the facility determined by the parties on the premises located in the city of Springfield.

The term of said lease agreement shall be for five years, with an option to renew for up to five additional years if the commissioner of the department of youth services and the commissioner of the division of capital planning and operations approve such option to renew, in writing. The lessee shall use the property solely for the purposes of said Good Shepherd Association. It shall be considered a breach of the lease if said parcel of land and building cease to be used for the purposes described herein or are used for any other purposes and said breach shall result in the termination of said lease and all interest therein shall revert to the commonwealth upon notice to the Good Shepherd Association by said commissioner of the division of capital planning and operations.

The terms of the lease agreement shall be determined by said commissioner of the division of capital planning and operations. The lease price paid by the lessee for said parcel shall be the full and fair market value of the property as determined by independent appraisal, for its use as described herein. The inspector general shall review and approve said appraisal and said review shall include an examination of the methodology utilized for said appraisal and the terms of said lease agreement. Said lessee shall pay such lease price in accordance with the terms of this agreement. The lessee shall be responsible for all costs and expenses of appraisals and other expenses relating to the lease of the property authorized by this section, and for all costs, expenses, and liabilities of every nature and kind for the use, occupancy, maintenance, repair, replacement and operation of the property subject to the lease. The lessee shall maintain insurance coverage on said property in an amount to be determined by the said commissioner. The commonwealth assumes no obligation for any injury or damage sustained on the leased property which shall be the total and exclusive responsibility of the lessee.

SECTION 2. (a) To provide additional facilities for the University of Massachusetts at Dartmouth in the downtown area of the city of New Bedford, the commissioner of the division of capital planning and operations is hereby authorized, notwithstanding the provisions of chapter seven of the General Laws to the contrary, to negotiate and enter into a lease having a term of up to twenty years, including such options for the commonwealth to extend said term as the commissioner may determine, after consulting with the chancellor of the University of Massachusetts at Dartmouth, for land, buildings and improvements in the Commercial Area Revitalization Central Business district, so-called, of said city of New Bedford.

Said lease shall be for use of the property by said university for a campus facility in the downtown area of said city of New Bedford. The developer selected pursuant to the provisions of this subsection shall be the landlord under the lease and shall be obliged to construct the improvements required under this section. Funding for said lease shall be subject to annual appropriation by the general court and to annual authorization for expenditure of said funds by the secretary of administration and finance and the board of trustees of the University of Massachusetts, and shall contain such other terms as shall be

required by the commissioner.

The commissioner is hereby authorized to select the developer of the property. Said commissioner shall establish competitive and public processes for the selection of said developer, which processes shall include: the issuance of requests for proposals containing the date, time and place for the submission of proposals, the developer selection criteria, and the required content for proposals; public advertisement for the issuance of said requests for proposals; and the use of selection criteria which shall include the experience, qualifications, capability and financial viability of the developer, designer or construction contractor as the case may be, the cost to the commonwealth, and the financial and other benefits to the commonwealth and the local community. Said commissioner shall also select the designer and construction contractor pursuant to the process established by said commissioner.

The acquisition, lease, construction, renovation, design, development, and management of the property as authorized by this section, and any contract relating thereto, shall be exempt from the provisions of said chapter seven, section thirty-nine M of chapter thirty, sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws, and any other general or special law or regulation governing acquisition, leasing, construction, renovation, design, development and management of real or personal property by or for the commonwealth or municipality. Notwithstanding the foregoing all contractors and subcontractors engaged in the construction or renovation of improvements at the property shall pay the wages determined under the provisions of sections twenty-six to twenty-seven H, inclusive, of said chapter one hundred and forty-nine.

(b) The lease authorized in this section shall include final plans and specifications at one-hundred percent design stage, ready for construction, and containing such improvements to the property as are necessary for the University of Massachusetts at Dartmouth for its downtown New Bedford campus facility as determined by the commissioner in consultation with the chancellor of said university. Such plans and specifications shall be prepared by the designer selected pursuant to the provisions of subsection (a). Said lease shall require the developer to construct the improvements shown in said plans and specifications and said lease shall not be executed until the completion and incorporation of such plans and specifications.

(c) The lease authorized by this section shall contain an option for the commonwealth to purchase the property which shall be exercisable during the lease term, or at the end of the lease term, or any extension thereof. The commonwealth, if it exercises said option to purchase, may purchase the property, subject to appropriation, for not more than the fair market value of the property at the time of exercise of the option, taking into account any rental and other payments made by the commonwealth under the terms of said lease. Said commissioner is hereby authorized, notwithstanding said chapter seven, to exercise said option and to acquire the property on behalf of the commonwealth.

(d) The developer who is the landlord under the lease authorized by this section shall pay for all surveys, plans and specifications and other costs and expenses associated with the improvements to the property required under the lease and all costs and expenses associated with the leasing process as required by the commissioner, and shall be responsible for, and

indemnify the commonwealth from and against, all costs and liabilities associated with, the environmental condition of the property.

(e) The lease authorized by this section shall be in a form approved by the attorney general. The negotiated lease price for any parcel or site pursuant to this section shall be for not more than fair market value determined by independent appraisal, for the uses described in subsection (a). The inspector general shall review and approve said appraisal and said review shall include an examination of the methodology utilized for said appraisal. Said inspector general shall review and approve the reasonableness and appropriateness of the process and criteria, as such protect the public interest, established by the commissioner of the division of capital planning and operations for the selection of any developer, designer and construction contractor pursuant to the provisions of subsection (a). Said inspector general shall prepare a report of his review and file said report with the commissioner, the house and senate committees on ways and means and the joint committee on state administration.

(f) Said commissioner shall, thirty days before the execution of any lease agreement authorized by this section, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and approval. Said inspector general shall issue his review and comment within fifteen days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least fifteen days prior to execution.

(g) The chancellor of the University of Massachusetts at Dartmouth shall submit sixty days after the effective date of this act, but in no event after the inspector general receives the lease agreement pursuant to the provisions of subsection (f), a financial plan and an operating plan for any property used, owned, leased or maintained by said university in said city of New Bedford after the effective date of this act. Said plans shall include, but not be limited to:

(1) A financial and operating plan for the continued use or discontinued use by said university campus of any property in said city of New Bedford in use on the effective date of this act, including current and future fiscal year costs of such usage and any savings resulting from the discontinued use of said property;

(2) A financial plan for any new property lease pursuant to this section, including current and future fiscal year lease payments, utility costs, maintenance and operating costs and capital replacement reserves;

(3) Revenue sources proposed to fund any net increase in lease, maintenance and operating costs resulting from said newly leased property in excess of the amounts paid by the said university as identified by clause (1);

(4) An operating plan for any new property leased pursuant to this section detailing the proposed usage and hours of operation of said property, the programs, services and administrative operations proposed to be located at said new property, any proposed subleases of said new property to parties other than the said university-Dartmouth campus

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and revenues resulting from said subleases and the full-time or contracted personnel proposed to maintain and operate said new property.

The future fiscal year cost projections required by clauses (1) and (2) shall be for the term of any lease authorized by this section.

Approved January 6, 1997.

Chapter 458. AN ACT RELATIVE TO THE MILK PRODUCERS SECURITY FUND.

Be it enacted, etc., as follows:

Section 21 of chapter 20 of the General Laws is hereby amended by adding the following paragraph:-

The commissioner may suspend the requirements of the previous paragraph from time to time for such a length of time as deemed necessary, but not exceeding two years, upon determination that the interests of the producers would be best served by a suspension; provided, however, that the commissioner shall not suspend said requirements if the balance of said fund does not exceed one million dollars. The commissioner shall provide thirty days' written notice of any suspension or reinstatement of payments into said fund to the house and senate committees on ways and means and to all dealers and producers affected.

Emergency Letter: January 23, 1997 @ 3:58 P.M.

Approved January 6, 1997.

Chapter 459. AN ACT VALIDATING CERTAIN ACTIONS TAKEN AT THE ANNUAL TOWN MEETING OF THE TOWN OF HALIFAX.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Halifax at its annual town meeting held on May thirteenth, nineteen hundred and ninety-six and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrant for such meeting had been published and posted as required by law.

SECTION 2. This act shall take effect upon its passage.

Approved January 6, 1997.