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**Chapter 265. AN ACT AUTHORIZING THE RELEASE OF CERTAIN EASEMENTS IN THE CITY OF WORCESTER.**

*Be it enacted, etc., as follows:*

The city of Worcester is hereby authorized to release a portion of a conservation/park land easement consisting of approximately 252,566 square feet previously acquired by said city by an order of taking recorded with the Worcester district registry of deeds in Book 17560, Page 97. Said portion of the conservation/park land easement to be released is shown on a plan of land entitled "Amended Plan of Easements in Worcester, MA.," prepared by Daylor Consulting Group, and dated August 25, 1997, to be recorded with the Worcester district registry of deeds.

Approved August 10, 1998.

**Chapter 266. AN ACT RELATIVE TO THE MASSACHUSETTS GOVERNMENT LAND BANK REGARDING THE DEVENS ENTERPRISE COMMISSION.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The first paragraph of section 12 of chapter 498 of the acts of 1993 is hereby amended by adding the following sentence:- For purposes of chapter 40D of the General Laws, Devens shall be deemed a municipality and, until July 1, 2033, the bank shall be deemed the industrial development financing authority for Devens.

**SECTION 2.** Said section 12 of said chapter 498 is hereby further amended by inserting after the first paragraph the following paragraph:-

Until July 1, 2033, the bank shall have the authority to promulgate reasonable regulations to maintain the public health, welfare and safety of the residents of Devens including, but not limited to, regulations concerning the use of motor vehicles and parking; provided, however, that such rules and regulations shall be promulgated pursuant to the provisions of sections 2 to 7, inclusive, of chapter 30A of the General Laws; provided, further, that the bank shall be deemed to be an agency for purposes of said sections 2 to 7, inclusive; provided further, that the maximum penalty for violation of such regulations shall be \$500 for each offense; provided, further, that any such penalties collected by the bank shall be deposited in a separate account which shall be available for expenditure by the bank for the operation of Devens so long as the bank submits a report to the house and senate committees on ways and means on the first day of each quarter as to the source and amount of the deposits to said account and the purpose and amount of any expenditures from said account; and provided, further, that such regulations shall be enforceable in the courts to the same extent and in the same manner as other agency regulations or municipal by-laws.

**SECTION 3.** Section 13 of said chapter 498 is hereby amended by adding the following paragraph:-

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Any design, construction, reconstruction, or modification of the Devens wastewater treatment facilities and sewage system at Devens may be carried out in its own name and right or may be contracted by it, in whole or in part, with any other public or any private party. After a competitive process which, among other things, takes into consideration price, qualifications, and performance goals and which is consistent with the competitive procurement rules established by the board of directors of the bank, the bank may enter into contracts, not to exceed 30 years in duration, with any public or private party relating to any development or redevelopment of the Devens wastewater treatment and sewerage system, and which may provide for payments by the bank which are guaranteed as to amount or duration, with or without regard to whether any particular service or utility is provided, constructed or undertaken, or, if provided, constructed or undertaken to make available for the purposes thereof such buildings, structures, utility systems, including pipes, drains, pumping stations, conduits, wires, cables, and similar ancillary installations, and other works as may be required for the redevelopment of such wastewater treatment and sewage system. The provisions of any general or special law or regulation relating to the advertising, bidding, or award of contracts, to the procurement of services or to the construction and design of such improvements, shall not be applicable to any contract or work entered into or undertaken pursuant to this section for the development or redevelopment of said system at Devens except that the provisions of sections 26 to 27H, inclusive, of chapter 149 of the General Laws shall be applicable and in any contract which requires or permits any contracting party to independently undertake to provide any public building or public work required for the wastewater treatment facilities and sewage system at Devens, the bank shall require such contracting party to comply with the provisions of said sections 26 to 27H, inclusive; provided, however, that no such contract shall be or constitute an obligation of the commonwealth beyond any amount appropriated therefor; and provided, further, that the provision of services or other works contemplated thereby shall remain subject to all provisions of law and regulation intended to regulate the provision of such services or works, including, but not limited to, all laws and regulations relating to the protection of the environment and all public health laws and regulations.

**SECTION 4.** All actions directly taken by the Massachusetts government land bank or through the Devens commerce center established by said bank to prepare, publish, receive responses under and conduct evaluations of responses and commence preliminary negotiations with certain responders to the request for statements of qualification and expressions of interest for purchase or lease, management, operation, and maintenance, of the Devens wastewater treatment facilities and sewage system, dated October 25, 1996, are validated and confirmed and, under and pursuant to this act the Massachusetts government land bank is authorized to continue and to bring to completion the procurement process represented thereby.

Approved August 10, 1998.