To the Honorable Senate and House of Representatives.

I understand that at the present time technical objections prevent your Honorable Bodies from considering the question of creating and establishing the New Bedford Harbor Development Commission. In view of the fact that I feel that this is a worthwhile project, I am sending, herewith, this special message in order to eliminate any technical objections that may prevent consideration and enactment of a law which would create this commission.

I recommend to your Honorable Bodies that you create and establish the New Bedford Harbor Development Commission, the powers and duties of which are set forth in the attached bill, and recommend that you enact it into law in its precise form.

Respectfully submitted,

FOSTER FURCOLO,
Governor of the Commonwealth.
AN ACT CREATING AND ESTABLISHING THE NEW BEDFORD HARBOR DEVELOPMENT COMMISSION.

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. The city of New Bedford is hereby authorized to establish a harbor development commission, hereinafter referred to as the commission, which shall consist of the mayor, ex officio, and six members to be appointed by the mayor and confirmed by the city council of said city. Each appointive member shall serve for a term of three years and shall hold office until his successor is appointed and qualified. Members of the commission shall serve without compensation. The members appointed shall serve as follows: one for a term of one year; two for terms of two years; and three for terms of three years.

1 Section 2. The commission shall be in administrative charge of the port of New Bedford; shall cause to be made all necessary plans for the development of the New Bedford waterfront in areas defined in section three of this act; shall have immediate charge of the lands, piers and other structures and facilities now or hereafter owned by the city or conveyed to the city by the commonwealth in said port; shall administer all land and water terminal facilities under its control; shall keep itself thoroughly informed as to the present and probable future requirements of steamships and shipping and as to the best means which can be provided at said port for the accommodations of steamships, railroads, warehouses and commercial and industrial establishments.

1 Section 3. For the purpose of this act the commission is authorized to use all of those tidal or other waterfront prop-
Section 4. The commission, with the approval of the mayor and council may hold such real property as defined in section 3 of this act, and such rights and easements therein as the commission may from time to time consider necessary for the purpose of constructing, or securing the constructing or utilizing, of public piers and the necessary utilities in connection therewith, including the planning, design and development of sites for warehouses and commercial and industrial establishments, as in the opinion of the commission may be necessary and desirable for such purposes.

Section 5. The commission may sell, and in this connection enter into a purchase and sale agreement for the transfer of title, may lease for a period not exceeding twenty years under such covenants and conditions as it may prescribe, industrial and commercial locations, storage facilities, wharves, piers, foreshores, bulkheads, docks, sheds, grain elevators and warehouses within its charge. The commission may base sites for warehouses and industrial locations for a longer period, but every lease of such site for a period exceeding twenty years shall provide for a readjustment of the rental at intervals of not more than twenty years. No contract for the sale of any land, buildings or structures, and no lease for a term exceeding five years, shall be valid until approved by the mayor and city council. Subject to the foregoing provisions of this act, the commission may acquire, purchase, hold, sell, lease, sublease, and otherwise deal and dispose of any land or interest therein to such extent as may be necessary, useful, desirable or convenient in connection with the leasing or operation of any pier, wharf, dock, maintenance of the foreshores, operation of warehouses and industrial locations.
Section 6. The operations of the commission shall be conducted and regulated in such manner as to promote and encourage industrial and commercial development of the port of New Bedford to the fullest possible extent by making available to the persons engaged in commerce and industry the piers, wharves and other facilities of the commission at the lowest cost consistent with sound economy and prudent management and without profit to the city. Excess of income received by the commission over current expenses and liabilities shall be determined at least annually, and the amount thereof, if any, shall be deposited in a special fund which, after accumulation of a reasonable reserve for loss and depreciation, may be used, first, by the payment on account of any bonded indebtedness outstanding on loans which the city may have made to accomplish the purposes herein enumerated; and secondly, for the proper construction, reconstruction, replacement or expansion of the sites, buildings, plants and equipment under its jurisdiction as the commission may from time to time determine.

Section 7. The city of New Bedford, for the purposes specified in section four of this act, may, with the approval of the emergency finance board, borrow an initial sum of three hundred thousand dollars, and issue bonds or notes of the city therefor, which shall bear on their face, the words New Bedford Harbor Development Loan, Act of 1957, such loan to be paid in not more than thirty years from the date of issue. The city, for the purposes specified in section four of this act, may, after producing satisfactory evidence to the emergency finance board showing that the city has entered into one or more agreements in accordance with section five of this act which would warrant further harbor development, with the approval of such board, borrow an additional sum or sums so that the total loan authorization under this act will not exceed five million dollars. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than thirty years from their dates of issue. Indebtedness incurred under this act shall be in excess of the statutory limit of indebtedness, and shall, except as herein provided, be subject to the provisions of chapter forty-four.
of the General Laws, exclusive of the limitation contained in
the first paragraph of section seven thereof.

SECTION 8. (a) The commission shall be deemed to be a
public instrumentality for the purpose of this act, and shall
have an official seal and may alter the same with pleasure.
(b) The mayor of the city of New Bedford, ex officio, shall
be chairman of the commission. A member of the commis-
sion may be removed by the mayor, with approval of the
city council, for misfeasance, malfeasance or wilful neglect
of duty, but only after reasonable notice and a public hear-
ing by the mayor unless the same are in writing expressly
waived. Each appointed member of the commission before
entering upon his duties shall qualify by taking an oath be-
fore the city clerk to administer the duties of his office
faithfully and impartially, and a record of such oaths shall
be filed in the office of the city clerk.
(c) The commission shall elect from its membership a vice
chairman and a secretary; and shall also elect a treasurer
who need not be a member of the commission. Four mem-
bers of the commission present and voting shall constitute a
quorum, and the vote of four members shall be necessary for
the legality and validity of any action taken by the commis-
sion. No vacancy in or absence of the membership of the
commission shall impair the right of a quorum to exercise all
the rights and perform all the duties of the commission.
(d) Before the issuance of any New Bedford Harbor De-
velopment bonds under the provisions of this act, each
member of the commission shall execute a surety bond to
the city of New Bedford, with a surety company authorized
to transact business in this commonwealth as surety, in the
penal sum of ten thousand dollars, and the treasurer of the
commission shall execute such a bond in the penal sum of
fifty thousand dollars, conditioned upon the faithful per-
formance of the duties of his office. Each such surety bond
shall be approved by the city solicitor and filed in the office
of the city clerk. The premiums for such surety bonds shall
be paid by the city.
(e) The commission, with approval of the mayor, may
appoint and may remove a director, and may, from time to
38 time, establish his salary. The director shall be the executive officer of the commission and, subject to its supervision and control, shall administer the provisions of this act, regulations and orders issued and promulgated hereunder and all other laws of the commonwealth which grant powers to or impose duties upon the commission. He shall attend all meetings of the commission but shall have no vote. Said commission shall have an office in the city of New Bedford, and may, in addition to a director, employ, with approval of the mayor, such experts, counsel, clerks, engineers, assistants and other employees as it may deem necessary, without regard to the provisions of chapter thirty-one of the General Laws, or the rules made thereunder, and may incur such other expenses, including a reasonable expense for advertising and publicizing the port of New Bedford as it may deem necessary. The director and such agents and employees of said commission as it shall from time to time designate by a writing filed in its office may travel in the performance of their official duties, within and without the commonwealth, and while so traveling may incur such expenses as the commission may from time to time approve. Each member of the commission shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties.

(f) There shall be a council, to be known as the advisory council to the New Bedford Harbor Development Commission, consisting of the mayor of the city of New Bedford and thirteen other members in the following representation: three members representing the public at large; two members representing transportation, shipping and commerce interests; two members representing industry; two members representing business interests; two members representing taxpayers; and two members representing labor. Appointments to the advisory council shall be made by the mayor, subject to confirmation by the city council, and each member shall be a resident of the city of New Bedford. Initially, members representing the public at large shall be appointed for a term of one year; members representing industry and business interest, for terms of two years; and members representing transportation, shipping and com-
merce interests, members representing the taxpayers and
members representing labor, for terms of three years. All
subsequent appointments shall be for terms of four years.
Vacancies among the appointive members shall be filled in
the same manner in which original appointments are made.
The mayor, ex officio, shall be chairman of the council,
and the council shall elect from its members a vice chairman
and secretary, and a majority of the council shall constitute a
quorum.
Failure to attend three successive meetings, except for
cause recognized by the advisory council, shall disqualify a
member from further service, and his position shall thereby
be vacated. The council shall make such rules and regula-
tions for its own proceedings as it shall deem necessary. It
shall hold regular quarterly meetings and may hold special
meetings at the call of the chairman, or at the request of any
five members of the council, at such times and places as the
chairman may determine. It shall review the activities of
the New Bedford Harbor Development Commission and
shall interest itself in ways and means of advancing the
interest of the port of New Bedford. It shall be empowered
to require the appearance at its meetings of the director of
the commission or other commission officials, and shall have
access to the records of the commission, and it shall meet at
least quarterly with the New Bedford harbor development
commission for thorough review and discussion of port
matters. It shall, not later than December first in each
year, make a report to the mayor and city council of its
activities and accomplishments. The report may include
specific recommendations for legislation, planned and drafted,
as a part of a consistent program to serve the best interest
of the port of New Bedford, and recommendations for the
repeal of any conflicting, obsolete or otherwise undesirable
legislation affecting the port.

1 Section 9. The commission may apply for, receive and
accept from any federal or state agency grants for, or in aid
of, the acquisition or operation of its project; and acting
through and on behalf of and in the name of the city of New
Bedford, it may petition the department of public works of
6 the commonwealth to undertake such work for the improve-
7 ment, development, maintenance and protection of the port
8 of New Bedford as may be necessary and desirable, and in
9 conjunction therewith the commission is hereby authorized
10 to make contributions from its own funds for such work as
11 may be approved by the department of public works of the
12 commonwealth on a participating basis or otherwise under
13 the provisions of section eleven of chapter ninety-one of the
14 General Laws; and said commission may receive and accept
15 contributions from any source of either money, property,
16 labor or other things of value, to be held, used and applied
17 only for the purposes for which such grants and contribu-
18 tions may be made; and to do all acts and things necessary
19 or convenient to carry out the powers expressly granted
20 in this act.

1 Section 10. This act shall take effect upon its acceptance
2 by the city council of the city of New Bedford, subject to
3 the provisions of its charter.