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in fee simple or any less estate, by gift, grant, devise or otherwise any lands, tenements or other estate, real or personal.

Section 5. The college shall have full power and authority to determine at what times and places its meetings shall be held and on the manner of notifying the trustees to convene at such meetings, and also, from time to time, to elect such professors and other officers as it shall judge most for the interest thereof, and to determine the duties, salaries, emoluments and tenures of their several offices aforesaid; and also to purchase, or erect and keep in repair, such houses and other buildings as it shall judge necessary for the college; and also to make and ordain, as occasion may require, reasonable rules, orders and by-laws, not repugnant to the laws of the commonwealth, with reasonable penalties, for the good government of the college; and also to determine and prescribe the mode of ascertaining the qualifications of the students requisite to their admission; and also to confer such degrees as are usually conferred by universities established for such education; and a majority of the Trustees present at any legal meeting shall decide all questions that may properly come before them.

Section 6. The clear rents, issues and profits of all the estate, real and personal, of which the college shall be seized or possessed shall be appropriated to the endowment of the college in such manner as shall most effectually promote virtue and piety, and the knowledge of such of the languages, and of the useful and liberal arts and sciences.

Section 7. The treasurer of the college shall give bond to the college, in such amount and with such sureties as the Trustees shall approve of, conditioned for the faithful discharge of the duties of the said office and for rendering a just and true account of the doings therein, when required, and that all the monies, securities and other property of the college, together with all the books in which the accounts and proceedings, as treasurer, were entered and kept, that appertain to the office of treasurer, as aforesaid, shall, upon demand, be paid and delivered over to the successor in that office; and all monies to be recovered by virtue of any suits at law, upon such bond, shall be paid over to the college.

Approved August 9, 1996.

Chapter 331. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN PROPERTY IN THE TOWN OF HADLEY TO WILLIAM PELISSIER AND GARY PELISSIER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section forty E to forty J, inclusive, of chapter seven of the General Laws, the commissioner of capital planning and operations, with the approval of the commissioner of the department of fisheries, wildlife and environmental law enforcement, is hereby authorized to convey by deed, which deed shall require the signature of the commissioner of the department of fisheries, wildlife and envi-

ronmental law enforcement approving such conveyance, for the consideration stated in section two and subject to the terms stated in section three, to William Pelissier and Gary Pelissier, grantees, of the town of Hadley, a certain parcel of commonwealth land in said town of Hadley containing one and one-half acres more or less and more particularly described in a deed dated September 25, 1969 from William E. Pelissier to the commonwealth and recorded in the Hampshire county registry of deeds, Book 1564, Page 108.

SECTION 2. In consideration of and simultaneously with such conveyance authorized in section one, the grantees shall acquire and convey to the commonwealth by deed or consensual taking through the department of fisheries, wildlife and environmental law enforcement, the fee simple interest in a parcel of land to be designated by the commissioner of the department of fisheries, wildlife and environmental law enforcement, of not less than equal value to the land conveyed in section one, as determined by independent appraisals of value. The grantees shall assume all costs for appraisals, surveys and title examinations and certifications as may be required by the commissioner of the department of fisheries, wildlife and environmental law enforcement on the subject parcel and the exchange parcel. All such work is to be carried out in full cooperation with, and by vendors approved by, said department of fisheries, wildlife and environmental law enforcement and in compliance with performance standards established by the executive office of environmental affairs. The inspector general shall review and approve any such appraisal and such review shall include a review of the methodology utilized for such appraisal. The inspector general shall prepare a report of his review and file such report with the commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration in accordance with this section.

SECTION 3. The parcel of land authorized to be conveyed pursuant to section one shall be surveyed and the resulting recordable plan of land shall designate three zones as follows: Zone 1 shall be all of said parcel within one hundred and fifty feet of the mean high water line of the Connecticut river; Zone 2 shall be an approximately rectangular area of said parcel immediately adjacent to Zone 1 being the full northwesterly-southeasterly width of said parcel and extending northeasterly to an existing monument along the southeasterly line of said parcel; and Zone 3 shall be all remaining area of said parcel. The parcel of land authorized to be conveyed in section one shall be conveyed by the commonwealth subject to restrictions on use as stated herein, said restrictions to remain in effect in perpetuity. The land in Zone 1 shall remain in its open, natural and unimproved condition. All activities shall be prohibited in Zone 1 except for pedestrian use and the installation of underground utility lines in accordance with all other laws and regulations. Said restriction shall include, but not be limited to, the prohibition of the following: construction of any permanent or temporary structures, creation of paved, graveled or otherwise improved parking areas, driveways, walking paths or other areas, long-term or seasonal storage of any items or materials and any other activity or improvement which may reduce the natural character of said Zone 1. The land in Zone 2 shall be subject to all the restrictions which shall apply to Zone 1; provided, however, that portions of Zone 2 may be improved with water pervious

surfacing for vehicle parking. No impervious road or parking surfaces and no bituminous concrete or similar surfaces may be used in Zone 2. Zone 3 is hereby conveyed to the grantees free of any restrictions on use.

Approved August 9, 1996.

Chapter 332. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN EASEMENT IN LAND IN THE TOWN OF NORFOLK.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty I, inclusive, of chapter seven of the General Laws, to convey for consideration described in section two by deed approved to form by the attorney general a permanent easement over land located in the town of Norfolk, presently under the care and control of the department of public health, to the Southwood Community Hospital subject to the requirements of sections two, three and four and to such terms and conditions as said commissioner in consultation with the department of public health, may prescribe. Said easement is shown on a plan entitled "Easement Plan of Land in Norfolk, Mass." dated August 1, 1989 and prepared by Norwood Engineering Co., Inc. which is on file with said division of capital planning and operations.

SECTION 2. The consideration paid by the Southwood Community Hospital for said easement shall be the full and fair market value of the easement determined by an 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. Said inspector general shall prepare a report of his review and file said report with the commissioner of the division of capital planning and operations for submission to the house and senate committees on ways and means and chairmen of the joint committee on state administration in accordance with section seven of this act.

SECTION 3. No deed conveying by or on behalf of the commonwealth the easement described in section one shall be valid unless such deed provides that said easement shall be used for the purpose of laying, maintaining, repairing, replacing and using one or more water lines.

SECTION 4. If the aforementioned purpose described in section three ceases at any time, said easement shall revert to the commonwealth under such terms and conditions as the commissioner of the division of capital planning and operations shall prescribe.

SECTION 5. The recipient of said easement will assume the costs of any appraisals, surveys, and other expenses as deemed necessary by the commissioner of the division of capital planning and operations for the granting of this easement.

SECTION 6. Nothing in the foregoing shall impair the authority of the town of Norfolk to enact zoning by-laws relative to the use of this property nor impair the taxability