

HOUSE No. 6303

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 3, 1987.

The committee on State Administration, to whom was referred the petition (accompanied by bill, House, No. 6209) of Richard T. Moore and Louis P. Bertonazzi relative to the acquisition by the Division of Capital Planning and Operations of a leasehold interest in certain property in the town of Uxbridge for a visitor center for the Blackstone River and Canal Heritage State Park, reports recommending that the accompanying bill (House, No. 6303) ought to pass.

For the committee,

JOSEPH N. HERMANN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATIVE TO THE ACQUISITION OF A LEASEHOLD INTEREST IN CERTAIN PROPERTY IN THE TOWN OF UXBRIDGE FOR A VISITOR CENTER FOR THE BLACKSTONE RIVER AND CANAL HERITAGE STATE PARK.

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 division of capital planning and operations,
2 hereinafter "the Division" in consultation with the department of
3 Environmental Management, hereinafter "the Department", is
4 hereby authorized, subject to the provisions of sections forty F½
5 and sections forty H to forty J, inclusive, of chapter seven of the
6 General Laws, to execute and deliver in the name and on behalf
7 of the commonwealth, subject to such terms and conditions as
8 maybe determined by said division in consultation with said
9 department, one or more instruments to lease from Depot Street
10 Associates, hereinafter "the lessor", of Titopa Farm, Orange
11 Street, Douglas Massachusetts; a portion of the property owned
12 by the lessor off Mendon Street (state numbered Route 16),
13 Uxbridge Massachusetts known as the Bernat Mills complex. Said
14 property includes a building described as the former Employment
15 and Cafeteria Building containing twelve thousand square feet
16 more or less of floor space and listed in the records of the Board
17 of Assessors of the town of Uxbridge as appearing in Book No.
18 9321, page 289 and Book No. 9327, page 289 of the Registry of
19 Deeds of the county of Worcester.

20 The division is authorized to lease said property for an original
21 term of not more than thirty years, and may provide options to
22 extend said lease term for two consecutive terms of ten years each;
23 provided, however, that all additional renewals on leases for any
24 further term of years shall require approval of the general court.
25 Said lease shall be for not more than fair market value, but may
26 be for comparable leases of a similar size and type facility in the

27 local area; and shall be the result of the average of three appraisals
28 to be conducted by qualified independent appraisers commis-
29 sioned at the expense of the department.

30 Payment of said lease shall be determined by the division in
31 consultation with the department; provided, however, should said
32 lease be paid in a one lump sum payment and should said lessor
33 lease, sub-lease, sell, assign, transfer, be foreclosed upon, or
34 otherwise dispose of said property; said lease shall remain valid
35 and be a part of any such lease, sub-lease, sale, assignment,
36 transfer, foreclosure, or other disposition for the remainder of the
37 original lease term and any extention terms thereof.

38 Should said division take the leasehold interest authorized by
39 this act or the property described in this section by eminent
40 domain at any time during the term of the original lease or during
41 the term of any extentions or renewals thereof; then any and all
42 monies paid by said division or the department and required by
43 said lease or leases during said terms to said lessor or any other
44 lessor or entity shall be credited to the final date of such taking
45 and shall be applied and subtracted from any monies due from
46 said division or said department to said lessor or any other lessors
47 or entities holding title to said property for such acquisition of
48 said leasehold interest or property by said division.

49 Should title to said property be taken by eminent domain or
50 otherwise acquired by the division, said division shall make in lieu
51 of tax payments to the town of Uxbridge for aforementioned
52 property, so acquired, in an amount keeping with provisions of
53 any applicable general or special law.

54 The deputy commissioner of said division shall file with the
55 clerk of the House of Representatives who shall forward to the
56 joint committee on state administration, and with the inspector
57 general of the commonwealth a copy of the lease authorized by
58 this act at least twenty business days prior to the execution thereof
59 by said division. The inspector general shall review and file
60 comments and any recommendations thereto to the joint
61 committee on state administration within fifteen business days of
62 the receipt of such lease by the inspector general, and said
63 inspector general shall deliver a copy of such comments and
64 recommendations to the division. Said lease, when executed by

65 the deputy commissioner, shall be deemed conclusively authorized
66 hereby; provided, however, that all provisions therein are
67 consistent with the provisions of this act. The deputy
68 commissioner from time to time is hereby authorized to execute
69 and deliver, in the name and on behalf of the commonwealth, a
70 notice of such lease for recording any and all other agreements
71 and instruments related to the lease authorized hereby which the
72 division may determine appropriate from time to time. Any such
73 notice or lease, lease instrument, or instruments, when executed
74 by the deputy commissioner shall be deemed conclusively
75 authorized hereby; provided, however, that all provisions therein
76 are consistent with this act.

1 SECTION 2. The department, in consultation and with the
2 written approval of the deputy commissioner of the division shall
3 exercise exclusive control of the building. Control of the adjacent
4 grounds by the department shall be exclusive to the extent that
5 any development by the lessor shall be prohibited; provided,
6 however, that there shall be no interference with the rights of the
7 other tenants of the lessor, their customers and suppliers to pass
8 and repass over existing access way. It shall be further provided
9 and a part of any lease authorized by section one of this act that
10 the lessor take care to protect and prevent the leasing or use of
11 the adjacent property in the mill complex to any entity or for any
12 purpose which is incompatible with the use of that portion leased
13 by the commonwealth; and especially where common access by
14 all tenants may exist.

1 SECTION 3. The Department shall have the right to renovate,
2 improve, replace, or reconstruct any part, or the whole, of the
3 demised building subject to the approval of the lessor, said
4 approval shall not be unreasonably withheld. The lessor shall, at
5 its own expense, remove an existing boiler facility adjacent to the
6 building to be demised.

1 SECTION 4. The Department shall be responsible for the
2 landscaping and maintenance thereof of all demised adjoining
3 grounds, and shall be responsible for maintaining in a safe and

4 passable condition, all existing common access ways and
5 walkways during snow conditions which are directly related to the
6 building to be demised.

1 SECTION 5. The Department shall be responsible for all
2 utilities used by the demised building, provided however that if
3 any utility serves an area greater than the demised building, the
4 department shall only be responsible for a pro rata amount based
5 on the ratio of the area of the demised building to the total area
6 served by the utility. The lessor agrees to maintain property and
7 liability insurance in an amount and of a type, approved in writing
8 by the deputy commissioner of the division, sufficient to protect
9 the commonwealth and its leasehold interest from any action
10 arising from a claim against any other tenant thereof and from
11 any action arising from a claim against the total property known
12 as the Bernat Mill Complex. The lessor shall pay all property taxes
13 for the demised premises; provided, however, that the division
14 may enter in an agreement to include the pro rata share of the
15 property taxes for the demised premises within the term of the
16 lease.

1 SECTION 6. The department shall have the right to remove
2 a portion of the existing facade wall along the boundary of the
3 lessor's property to provide additional public access to the
4 demised premises.

1 SECTION 7. Prior to entering into negotiations for the lease
2 the lessor and the department shall have petitioned and received
3 authorization from the Board of Selectmen of the town of
4 Uxbridge granting the department eminent domain authority as
5 set forth in chapter 79 of the General Laws, restricted to the
6 leasehold interest as described in this act. Should the lessor and
7 the department be unable to mutually agree on the lease payment
8 sum to be paid, the department shall exercise the eminent domain
9 authority as provided in this section, and pay over to the lessor
10 the amount as determined in Section 1 of this act, and the lessor
11 may pursue all of its rights as provided by Chapter 79A of the
12 General Laws.

13 The division is hereby authorized, if at any time it deems it to
14 be necessary and in the best interest of the Commonwealth, to
15 acquire all rights, title, and interest by eminent domain, or to
16 acquire by purchase or otherwise, that portion of the parcel
17 described in section one of this act and which shall be leased and
18 used as the visitor center for the Blackstone River and Canal
19 Heritage State Park.

1 SECTION 8. At least one hundred and twenty days prior to
2 the executive of the lease, authorized by this act, the deputy
3 commissioner of capital planning and operations shall notify in
4 writing, the chairman of the board of selectmen of the town of
5 Uxbridge, the county commissioners, the regional planning
6 agency, and the members of the general court. Such one hundred
7 and twenty day notification requirement may be shortened if: (1)
8 the public officials referred to above agree to reduce the one
9 hundred and twenty day period upon the request of the deputy
10 commissioner; or (2) the deputy commissioner certifies in writing
11 that an emergency exists, provided that deputy commissioner shall
12 submit his/her certification to and notify the appropriate local
13 officials of any such transaction at the first possible opportunity.
14 The notice shall include a statement of the present use, the reason
15 for the proposed action, and the proposed use of the property.
16 The deputy commissioner shall at least sixty days prior to the
17 executive of said lease, cause a public hearing to be held, after
18 giving timely notice, in the town of Uxbridge for the purpose of
19 disclosing the conditions or reasons for the proposed action.

1 SECTION 9. No agreement to lease, executed in accordance
2 with the provisions of this act, and no renewal or extension of
3 such agreement, shall be valid and no payment shall be made to
4 the lessor of such property unless a statement, signed, under the
5 penalties of perjury, has been filed by the lessor, and in the case
6 of a corporation by a duly authorized officer thereof giving the
7 true names and addresses of all persons who have or will have
8 a direct or indirect beneficial interest in said property with the
9 deputy commissioner of capital planning and operation. The
10 provisions of this section shall not apply to any stockholder of

11 a corporation the stock of which is listed for sale to the general
12 public with the securities and exchange commission, if such
13 stockholder holds less than ten percent of the outstanding stock
14 entitles to vote at the annual meeting of such corporation.

15 A disclosure statement shall also be made in writing, under
16 penalty of perjury, during the term of the lease agreement in case
17 of any change of interest in such property, as provided for above,
18 within thirty days of such change.

19 Any official elected to public office in the commonwealth, or
20 any employee of the division of capital planning and operations
21 disclosing beneficial interest in real property pursuant to this
22 section, shall identify his/her position as part of the disclosure
23 statement. The deputy commissioner shall notify the state ethics
24 commission of such names, and shall make copies of any and all
25 disclosure statements received available to the state ethics
26 commission upon request.

27 The deputy commissioner shall keep a copy of each disclosure
28 statement received available for public inspection during regular
29 business hours.

1 SECTION 10. The department shall provide, without fee,
2 office space within the demises property for use of the Blackstone
3 River and Canal Commission established under the provisions of
4 Chapter 568 of the acts of 1981. Said commission shall be
5 accorded priority use of meeting facilities in the visitor center
6 building.

1 SECTION 11. The department may, subject to the approval
2 of the deputy commissioner of the division and of the commission,
3 lease space within the demised premises to the Blackstone River
4 Valley National Heritage Corridor Commission established under
5 the authority of Public Law 99-647 or to such other governmental
6 or non profit agencies as may be appropriate.

1 SECTION 12. This act shall take effect upon its passage.

The following table shows the results of the survey conducted in the year 1911-12. The data is presented in a tabular format, with columns representing different categories and rows representing specific data points. The table is organized into several sections, each corresponding to a different aspect of the survey. The first section deals with the general characteristics of the population, including age, sex, and marital status. The second section focuses on the educational attainment of the individuals, detailing the number of years of schooling completed. The third section examines the occupational status of the respondents, listing various professions and industries. The fourth section discusses the economic conditions of the households, including income levels and the presence of assets. The final section provides a summary of the findings and offers some conclusions based on the data collected. The table is presented in a clear and concise manner, allowing for easy comparison and analysis of the results. The data is presented in a tabular format, with columns representing different categories and rows representing specific data points. The table is organized into several sections, each corresponding to a different aspect of the survey. The first section deals with the general characteristics of the population, including age, sex, and marital status. The second section focuses on the educational attainment of the individuals, detailing the number of years of schooling completed. The third section examines the occupational status of the respondents, listing various professions and industries. The fourth section discusses the economic conditions of the households, including income levels and the presence of assets. The final section provides a summary of the findings and offers some conclusions based on the data collected.