

By Mr. Landers of Palmer, petition of Patrick F. Landers III (by vote of the town) for legislation to authorize the conservation commission of the town of Palmer to sell forest and agricultural products. Local Affairs. [Local Approval Received.]

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT AUTHORIZING THE CONSERVATION COMMISSION OF THE TOWN OF PALMER TO SELL FOREST AND AGRICULTURAL PRODUCTS.

*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 conservation commission of the town of  
2 Palmer is hereby authorized:
- 3 a. To establish a comprehensive management plan for all of  
4 the real and personal property under its care, custody and control.  
5 This management plan shall be in writing and may from time to  
6 time be amended. The plan shall describe the manner in which  
7 real and personal property under the said commission's care,  
8 custody and control may be used, developed, leased, restricted or  
9 made or maintained available for recreational and conservation  
10 use;
- 11 b. To operate, maintain and manage the property under its  
12 care, custody and control and to sell forest or agricultural  
13 products derived from said property to the extent described in the  
14 comprehensive management plan and consistent with its  
15 mandates pursuant to the provisions of section eight C of chapter  
16 forty of the General Laws; and
- 17 c. To enter into contracts to carry out the purposes set forth  
18 in this act. The contracts authorized hereunder shall not be subject  
19 to, and shall be exempt from, the provisions of chapter thirty B  
20 of the General Laws.

- 1 SECTION 2. The commission shall have the authority to  
2 establish and promulgate standards of operation and performance

3 criteria for all work done in connection with any property under  
4 its care, custody and control. Such standards and performance  
5 criteria may include but are not limited to restrictions on the  
6 nature and kind of work performed, the manner and method  
7 pursuant to which such work is performed, restrictions on  
8 performance of work according to season or other conditions,  
9 methods of stream crossings, repair of stone walls, the use of oil  
10 or other toxic or harmful material on its property or in connection  
11 therewith, imposition of hold harmless requirements on persons  
12 or entities with whom it contracts. The commission may also  
13 require any person performing labor or services to maintain  
14 liability insurance and performance bonds. Any standards  
15 adopted by the said commission may be incorporated into any  
16 of its contracts.

1 SECTION 3. Notwithstanding the provisions of sections fifty-  
2 three and fifty-three A of chapter forty-four of the General Laws,  
3 any income received from leasing or from the sale of forest or  
4 agricultural products by the commission shall be deposited by the  
5 commission in a special fund in the office of the town treasurer  
6 as custodian. Said treasurer may invest and deposit the funds so  
7 held in the same manner and with the same limitations as  
8 described in section eight C of chapter forty of the General Laws,  
9 and any income derived therefrom shall be credited to the fund.  
10 The funds so deposited into this special account shall be available  
11 to the commission without further appropriation to maintain and  
12 improve land and property under its control, to purchase and  
13 acquire real property or real property interests including  
14 restrictions affecting land use, and for any other purpose which  
15 the commission may otherwise expend funds pursuant to the  
16 provisions of said section eight C of chapter forty of the General  
17 Laws or any other special or general law. Such purposes may  
18 include but are not limited to:

19 a. Land surveys, recording fees and costs, plant and wildlife  
20 surveys, marking of trees or areas for cutting, management  
21 surveys, mapping;

22 b. Improvements to its property, including trail establishment  
23 or improvements, parking, road improvements for roads on its  
24 real property, trash, rubbish and garbage pickup, improvements  
25 to the environmental quality of its property, protection and

26 development of wildlife and plant habitats, protection and  
27 development of soils, and restoration of historic sites; and  
28 c. For the purpose of purchasing legal or other professional or  
29 consulting services which it deems useful to achieve or further the  
30 purposes of the commission.

1 SECTION 4. The commission may receive and accept gifts of  
2 funds from any source, and appropriations from the town of  
3 Palmer for deposit into the special fund described herein.

1 SECTION 5. The town accountant shall annually audit the  
2 special fund and shall submit a copy of the audit to the board  
3 of selectmen and said audit shall be printed in the annual report  
4 of the town of Palmer.

1 SECTION 6. This act is intended to expand and not to limit  
2 the powers and authority of the Palmer conservation commission  
3 and shall not be construed to limit or deny the commission any  
4 rights, power or authority otherwise granted by any special or  
5 general law or by-law.

1 SECTION 7. This act shall take effect upon its passage.

