

By Mr. Pacheco, petition (accompanied by bill, Senate, No. 1258) of Marc R. Pacheco and Joan M. Menard for legislation to authorize the Division of Capital Planning and Operations to convey a certain parcel of land in the city of Taunton to said city. State Administration.

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**The Commonwealth of Massachusetts**

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

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AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF TAUNTON TO SAID CITY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1    *Whereas*, The Paul A. Dever State School has suffered from
- 2 dramatic cuts due to a lack of funding; and
- 3    *Whereas*, Unemployment in the Taunton area Labor Market
- 4 has risen to a level well in excess of the state average.
- 5    *Therefore*, This Act resolves to strengthen the commitment of
- 6 our Commonwealth to the quality care of Dever State School
- 7 clients and to create new, full-time jobs in the City of Taunton
- 8 by transferring unused land owned by the Commonwealth to the
- 9 City for municipal industrial development. All receipts from said
- 10 transfer shall be used to create a Dever State School Trust Fund,
- 11 whereby the Dever State School budget shall be supplemented by
- 12 all interest accrued.

1    SECTION 1. The deputy commissioner of the division of

2 capital planning and operations is hereby authorized, subject to

3 the provisions of sections 40E through 40J inclusive of chapter 7

4 of the General Laws, to sell at full and fair market value and

5 convey by deed approved as to form by the attorney general, a

6 certain parcel of land located in the city of Taunton, to the

7 Taunton Development Corporation for municipal industrial

8 development purposes, subject to such terms and conditions as

9 the deputy commissioner may prescribe in consultation with the

10 commissioner of mental retardation, said land being bounded and  
11 described as follows.

12 Beginning at a point being a concrete bound on the easterly  
13 sideline of a Consolidated Rail Corporation right of way and also  
14 being  $S34^{\circ} 48'E$ , 3,523.96 feet more or less from the southerly  
15 sideline of Myles Standish Boulevard;

16 Thence  $N28^{\circ} 09' 53"E$ , 224.52 feet to a point;

17 Thence  $N34^{\circ} 48' 28"W$ , 2500.00 feet to a point;

18 Thence  $N75^{\circ} 41' 32"E$ , 3,019.08 feet to a point.

19 The last three courses being by land in Taunton Development  
20 Corporation.

21 Thence  $N28^{\circ} 09' 53"E$ , 2,000.00 feet by land of the Taunton  
22 Development Corporation and the land of the Commonwealth  
23 of Massachusetts to a point;

24 Thence  $S24^{\circ} 03' 45"E$ , 1,068.23 feet to a point;

25 Thence  $S65^{\circ} 56' 15"W$ , 300.00 feet to a point;

26 Thence  $S00^{\circ} 00' 00"E$ , 1,400.00 feet to a point;

27 Thence  $S31^{\circ} 09' 18"W$ , 2,741.01 feet to a point;

28 Thence  $S28^{\circ} 38' 00"E$ , 200.00 feet to a point

29 Thence  $N74^{\circ} 24' 00"E$ , 300.00 feet to a point;

30 Thence  $S28^{\circ} 33' 58"E$ , 1,605.98 feet to a point;

31 Thence  $S55^{\circ} 11' 50"W$ , 1,100.00 feet to a point.

32 The last eight courses being by land of the Commonwealth of  
33 Massachusetts.

34 Thence  $N34^{\circ} 48' 10"W$ , 2,700.00 feet along the easterly sideline  
35 of a Consolidated Rail Corporation right of way to the point of  
36 the beginning.

1 SECTION 2. If the deputy commissioner determines to convey  
2 the property described in section 1 to the Taunton Development  
3 Corporation, the deputy commissioner shall not be required to  
4 comply with the provisions of section 40H of chapter 7 of the  
5 General Laws, provided that the mayor of the city of Taunton  
6 and the president of the Taunton Development Corporation, in  
7 connection with the rental or sale to an individual or entity shall  
8 comply with the provisions of section 16 of chapter 30B of the  
9 General Laws as they apply to a governmental body.

10 The mayor and president shall issue a request for proposals.  
11 The request for proposal shall specify:

12 (1) a listing and description of uses determined to be feasible  
13 or consistent with the purposes of this act;





1 SECTION 3. Prior to the conveyance of the property  
2 described in section 1 of this act, the deputy commissioner of the  
3 division of capital planning and operations shall work in  
4 consultation with the commissioner of mental retardation, the  
5 Dever Association and any other advocates appointed by said  
6 commissioner to determine what terms and conditions shall be  
7 prescribed as conditions precedent to any disposition of said  
8 property and to the validity of any deed or deeds (or any rental  
9 agreement or agreements, if any) executed by or on behalf of the  
10 commonwealth by said deputy commissioner. These conditions  
11 shall include, but not be limited to, such matters as housing,  
12 employment opportunities, recreation services, transportation  
13 services, proper control of the industrial park traffic and noise  
14 and environmental impact on the Dever State School, the rights  
15 of easement access in said property by state and local government  
16 for water, power, sewer, and other utilities, etc., implementation  
17 of proper protections for the Dever State School's present water  
18 and sewer systems, the creation of a natural bufferzone to insure  
19 a safe distance between the Taunton Industrial Park and the Dever  
20 State School such as a safe, adequate water supply and a proper  
21 sewer system, be realized by individuals with mental retardation  
22 who reside at said Dever State School, or who need or receive  
23 services of the department of mental retardation in Southeastern  
24 Massachusetts.

1 SECTION 4. There shall be established and set up on the  
2 books of the Commonwealth a trust fund, to be known as the  
3 Paul A. Dever State School Trust Fund. The principal of said  
4 trust fund shall consist of 100 percent of all the money received  
5 by the Commonwealth from the conveyance of the property  
6 described in section one of this act, and other monies credited or  
7 transferred thereto from any other fund or source pursuant to any  
8 other law. The state treasurer shall receive and invest monies of  
9 the fund. The commissioner of mental retardation shall be the  
10 trustee of the fund. No portion of the principal of the fund or  
11 the interest accrued from the fund may be expended until the  
12 commissioner certifies in writing that a final determination has  
13 been made concerning whether or not the state will continue to  
14 operate the Paul A. Dever State School to serve mentally retarded

15 clients. If the commissioner certifies that a final determination has  
16 been made to cease operations at the school, then the  
17 commissioner shall determine how to expend the principal and  
18 interest of the fund to support other programs serving mentally  
19 retarded citizens in Southeastern Massachusetts. If the  
20 commissioner certifies that a final determination has been made  
21 to continue to operate the school to serve mentally retarded  
22 clients, the commissioner may expend the interest accrued from  
23 said trust fund in a way that will supplement and not supplant  
24 the budget of the Dever State School. Said interest shall be  
25 expended by the commissioner subject to the provisions of all  
26 general and special laws relating to the expenditure of public  
27 funds. Said interest shall be expended for the operation,  
28 maintenance, construction and repair of Dever State School  
29 facilities, for the establishment of reserve accounts for working  
30 capital, construction, maintenance and repairs and services that  
31 may be recommended by said commissioner for Dever State  
32 School clients including but not limited to respite care and  
33 community support services. Said interest may be expended for  
34 other programs serving the mentally retarded in Southeastern  
35 Massachusetts with the approval of said Board.

36 The commission shall file with the commissioner of adminis-  
37 tration, the house and senate chairmen of the joint committee  
38 on state administration, and the state auditor not later than  
39 September first of each year an annual report of the trust fund's  
40 income, expenditures, and available balances, based upon the  
41 state of the trust fund on June thirtieth of the preceding fiscal year.  
42 Said report shall also identify the depository for such funds and  
43 the projected revenues and expenditures for the current fiscal year  
44 and the ensuing fiscal year. The report shall include the  
45 commissioner's recommendation, if any, regarding the transfer of  
46 surplus monies from said trust fund into the General Fund. The  
47 trust fund shall be subject to annual audit by the state auditor,  
48 a copy of which shall be sent to the house and senate committees  
49 on ways and means.

1 SECTION 5. The deputy commissioner shall, thirty days  
2 before the execution of any agreement authorized by this act, or  
3 any subsequent amendment thereof, submit the agreement or

4 amendment and a report thereon to the inspector general for his  
5 review and comment. The inspector general shall issue this review  
6 and comment within fifteen days of receipt of any agreement or  
7 amendment. The deputy commissioner shall submit the agreement  
8 and any subsequent amendments thereof, the reports, and the  
9 comments of the inspector general, if any, to the house and senate  
10 committees on ways and means and the house and senate  
11 chairmen of the joint committee on state administration at least  
12 fifteen days prior to execution.

1 SECTION 6. Use of the property described in section one shall  
2 be restricted to municipal industrial development and related  
3 purposes.

1 SECTION 7. In the event that the property described in  
2 Section 1 is not used for the purposes described in Section six  
3 within five years of effective date of this act, or if the use for the  
4 aforementioned purpose ceases at any time, the property shall  
5 revert to the Commonwealth for utilization by the Paul A. Dever  
6 State School.

7 Nothing in this act shall be inconsistent with or be in conflict  
8 with the so-called "Dever Plan" or compromise the commit-  
9 ment of the Commonwealth to the care of Paul A. Dever State  
10 School clients.



