

By Mr. Landers of Palmer, petition of Patrick F. Landers III relative to the utilization of certain property of the Belchertown State School. State Administration.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE UTILIZATION OF CERTAIN STATE PROPERTY.

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. Chapter 664 of the Acts of 1986 is hereby
2 amended by striking out section 2 thereof and inserting in its place
3 the following new section: —

4 Section 2. Notwithstanding any general or special law to the
5 contrary, the division of capital planning and operations is hereby
6 authorized and directed to transfer care and control of certain
7 agricultural lands, woodlots and farm buildings at the
8 Belchertown State School to the department of food and
9 agriculture which is hereby authorized to execute and deliver in
10 the name of the Commonwealth, subject to the provisions of
11 sections forty E through forty J of chapter 7 of the General laws,
12 but notwithstanding the provisions of section forty H of chapter
13 7 of the General Laws, one or more instruments to lease said
14 agricultural lands, woodlots and farm buildings to such
15 individuals or entities as the commissioner of said department may
16 select, for the purposes of promoting, enhancing and developing
17 agriculture within the commonwealth including but not limited
18 to the purposes enumerated in section two of chapter one hundred
19 twenty-eight of the General Laws. The initial lease or leases of
20 any such state owned land as provided herein shall be for not less
21 than the fair market value for comparable rentals. Said original
22 lease or leases shall be for a period not to exceed thirty years. Said
23 department may renew such lease or leases for such land and
24 buildings for an additional period of twenty years; provided,

25 however, that all additional renewals or leases shall also require
26 the approval of the general court. No sublease of such land or
27 buildings or any portion thereof, for any purpose, other than for
28 the promotion, enhancement or development of agriculture as
29 provided herein, shall be executed without the prior approval of
30 the general court.

31 The lease or leases shall provide that the commonwealth may
32 repossess the leased premises together with any buildings erected
33 thereon if payment of the rent or other sum is not timely paid
34 or if the lessee fails to abide by any conditions affixed to said lessee
35 agreement by said department. Should the lessee default or
36 otherwise fail to meet its obligations under this act, it shall
37 nonetheless remain liable for said sums or obligations. The lessee
38 shall carry, in an amount approved in writing by the commissioner
39 of said department, comprehensive general liability insurance
40 protecting the lessee and the commonwealth against personal
41 injuries and property damage occurring to said leased premises
42 or within any structure or building erected thereupon, and such
43 fire and extended risk insurance as the commissioner deems
44 appropriate.

45 No lease or leases, other than that provided for by the first
46 paragraph nor any sale, transfer, conveyance or other disposition
47 of such land, and buildings if any, may be made without the prior
48 approval of the general court; provided, however, that any such
49 lease or leases other than that provided for by the first paragraph,
50 sale, transfer, conveyance or any other disposition of said lands,
51 and buildings if any, shall be carried out in accordance with the
52 provisions of sections forty A through forty L, inclusive, of
53 chapter seven of the General Laws except for section forty F $\frac{1}{2}$
54 of said chapter seven and any other restrictions or requirements
55 as the general court may deem necessary.

56 The provisions of the first, second, sixth and ninth paragraphs
57 of subsection (a) of section forty f $\frac{1}{2}$ of said chapter seven, the first
58 sentence of the seventh paragraph of said subsection (a), and
59 subsection (b) of said section 40 F $\frac{1}{2}$, shall apply to all leases
60 authorized by this section. For purposes of any lease authorized
61 by this act, the declaration required by the ninth paragraph of
62 said subsection (a) of said section forty F $\frac{1}{2}$ shall apply only to
63 those provisions of said section forty F $\frac{1}{2}$ as set forth in this
64 section.

1 SECTION 2. Section 3 of said Chapter 664 of the Acts of 1986
2 is hereby amended by striking out said section and inserting in
3 its place the following:

4 Section 3. There is hereby created the Lampson Brook
5 Agricultural Reserve Advisory Committee within the department
6 of food and agriculture, the commissioner of which, or his
7 designee, shall serve as chairman, and consisting also of the
8 commissioner of the division of capital planning and operations
9 or his designee, the secretary of the executive office of economic
10 affairs or his designee, the secretary of the executive office of
11 communities and development or his designee, the director of the
12 cooperative extension service of the university of Massachusetts
13 or his designee, the dean of the Stockbridge school of agriculture
14 at the University of Massachusetts or his designee, a representative
15 of the department of natural sciences at Hampshire College, a
16 representative of the United States soil conservation service, two
17 persons actively engaged in agricultural production, a member of
18 the conservation commission of the town of Belchertown, and
19 such other associate members as may be nominated by the
20 commissioner and approved by a majority of the members present
21 and voting at the time of such nomination. Said board shall meet
22 with lessees at any time to monitor and direct activities on lands
23 leased by said party, and shall also advise the commissioner of
24 said department on issues concerning said leases and activities.

1 SECTION 3. For the purposes of carrying out the purposes of
2 this Act, and Chapter 128 of the General Laws, the Commissioner
3 of food and agriculture may expend such sums as may be
4 appropriated therefor, including for purposes of providing
5 necessary improvements on said property.

1 SECTION 4. Pursuant to section forty F of chapter seven of
2 the General Laws, the amount of consideration for the lease of
3 the parcels referred to in section one of this act shall be an amount
4 as determined by the deputy commissioner of the division of
5 capital planning and operation, said amount to take into
6 consideration the lessee's obligations required by this act, the
7 master plan and lease agreement.

