

By Mr. Ruane of Salem, petition of J. Michael Ruane that the Division of Capital Planning and Operations be authorized to acquire and develop the GTE site in the city of Salem for use by Salem State College. State Administration.

**The Commonwealth of Massachusetts**

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

AN ACT PROVIDING FOR THE ACQUISITION AND DEVELOPMENT BY SALEM STATE COLLEGE OF THE GTE SITE IN SALEM.

*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. It is hereby found that there exists for sale within  
2 the city of Salem a 37.5 acre site which was the site of the former  
3 GTE/Sylvania plant where up to 460 citizens of the common-  
4 wealth were employed; that GTE ceased operations at the site on  
5 December 1990 and the site has been vacant for almost 3 years;  
6 that the site is proximately located between the north and south  
7 campuses of Salem State College; that access to and use of the  
8 site by Salem State College would allow for implementation of  
9 Salem State College's no growth Master Plan at 40% less expense  
10 to the commonwealth, a savings of over \$10M; that acquisition  
11 would eliminate all new construction in the College Master Plan;  
12 that use by Salem State College of the site for parking and athletic  
13 facilities would remove a burden currently imposed on the col-  
14 lege's surrounding residential neighborhood, would relieve pres-  
15 sure on existing facilities, and would provide a recreational  
16 resource for neighborhood residents when not required for use by  
17 the college; that in addition to use by the college, the site can pro-  
18 vide economic development opportunities for the region and the  
19 commonwealth that are consistent with the surrounding education-  
20 al and residential neighborhoods; that Salem State College pro-  
21 duces over \$180M in economic benefit to the city of Salem and

22 the region; that use of the site by Salem State College will allow  
23 for implementation of the no growth Master Plan and simultane-  
24 ously contribute to the economic development of the region  
25 through the creation of an estimated 300 quality private sector  
26 jobs. Therefore it is the purpose of this act to provide for the  
27 acquisition of the GTE/Sylvania site by the commonwealth for use  
28 and development by Salem State College.

1 SECTION 2. Notwithstanding the provisions of any general or  
2 special law to the contrary, the commissioner of the division of  
3 capital planning and operations is hereby authorized to purchase  
4 the 37.5 acre site identified in section one of this act for use by  
5 Salem State College for educational and business development  
6 purposes.

1 SECTION 3. Notwithstanding the provisions of any general or  
2 special law to the contrary, the commissioner of the division of  
3 capital planning and operations is hereby authorized to transfer to  
4 the Salem State Business Development Corporation, established  
5 in section four, those portions of the site identified in section one  
6 as are designated by the board of trustees of Salem State College  
7 as not necessary for the educational purposes of the college and as  
8 available for development. Such transfer may be by a lease for a  
9 term not in excess of fifty years.

1 SECTION 4. There is hereby authorized the organization of  
2 the Salem State College Business Development Corporation, a  
3 body politic and corporate, hereinafter referred to as the corpora-  
4 tion. The purpose of the corporation shall be to promote the devel-  
5 opment of those portions of the site identified in section one as are  
6 designated by the board of trustees of Salem State College as  
7 available for development pursuant to section three. The corpora-  
8 tion shall seek to develop such portions of the site in a manner  
9 that is consistent with the state's proximate relationship to Salem  
10 State College and the surrounding residential neighborhood, that  
11 is in accord with the city's, region's and commonwealth's eco-  
12 nomic development plans, and pursuant to a development plan  
13 that is adopted after a public hearing is held and interested per-  
14 sons, groups and organizations are provided an opportunity to  
15 comment.

1 SECTION 5. The corporation is hereby authorized:

2 (a) To accept, acquire, receive, take and hold by bequest,  
3 devise, grant, gift, purchase, exchange, lease, transfer, judicial  
4 order or decree, or otherwise, for any of its objects and purposes,  
5 any property, both real and personal, or any interest therein.

6 (b) To sell, convey, mortgage, lease, transfer, exchange or oth-  
7 erwise dispose of, any property, either real or personal, or any  
8 interest therein, as the objects and purposes of the corporation  
9 may require.

10 (c) To sue and be sued in its own name and plead and be  
11 impleaded.

12 (d) To adopt and amend bylaws for the regulation of its affairs  
13 and the conduct of its business.

14 (e) To make and enter into all contracts and agreements neces-  
15 sary or incidental to the performance of its duties and the execu-  
16 tion of its powers under this act, and to employ consulting engi-  
17 neers, superintendents, managers, and such other engineers, con-  
18 struction and accounting experts and attorneys and such other  
19 employees, agents and consultants as may be necessary in its  
20 judgment, and to fix their compensation.

21 (f) To apply for, receive and accept from any federal agency,  
22 the commonwealth or any municipalities, grants, loans or  
23 advances for or in aid of any project or projects, and to receive  
24 and accept contributions from any source of money, property,  
25 labor or other things of value, to be held, used and applied for the  
26 purposes for which such grants, loans, advances and contributions  
27 may be made.

28 (g) To borrow money, and, from time to time, to make, accept,  
29 endorse, executive and issue bonds, debentures, promissory notes,  
30 bills of exchange, and other obligations of the corporation for  
31 moneys borrowed or for any of the other purposes of the corpora-  
32 tion, and to secure the payment of such obligations by mortgage,  
33 pledge, deed, indenture, agreement, or other instrument of trust, or  
34 by other lien upon, assignment of, or agreement in regard to all or  
35 any part of the property, rights, or privileges of the corporation.

36 (h) To invest any funds not required for immediate use or dis-  
37 bursement in such investments as may be lawful for fiduciaries in  
38 the commonwealth.

39 (i) To manage any project whether owned or leased by the cor-  
40 poration and to enter into agreements with the commonwealth or

41 the city of Salem or any agency or instrumentality thereof or with  
42 any person, firm, partnership or corporation either public or pri-  
43 vate for the purpose of causing any project to be managed.

44 (j) To do all acts and things necessary or convenient to carry  
45 out the powers expressly granted in this act.

1 SECTION 6. There shall be eleven members of the board of  
2 directors of the corporation. One member shall be the president of  
3 Salem State College, ex officio, who shall serve as the chairperson  
4 of the corporation; one member shall be the mayor of the city of  
5 Salem, ex officio, or his designee; one member shall be the plan-  
6 ning director of the city of Salem, ex officio; one member shall be  
7 a representative of the Salem Chamber of Commerce, appointed  
8 by the Chamber of Commerce; one member shall be a representa-  
9 tive of the Salem Partnership, appointed by the Salem Partnership;  
10 one member shall be an individual representing the regional com-  
11 munity, appointed by the president of Salem State College; five  
12 members shall be appointed by the president of Salem State  
13 College and shall be affiliated with Salem State College either as  
14 members of the board of trustees of the college or as employees of  
15 the college. Each of the eleven members shall be sworn to the  
16 faithful performance of the official duties as a director of the cor-  
17 poration. The members appointed by the Salem Chamber of  
18 Commerce and the Salem Partnership shall serve for two years  
19 from the first day so appointed. Of the six members of the board  
20 of directors appointed by the president of Salem State College,  
21 three shall serve for one year from the first day so appointed and  
22 three shall serve for two years from the day so appointed. Upon  
23 the expiration of the term of office of any such appointed member,  
24 or of any subsequent member, a successor shall be appointed in  
25 like manner for a term of two years. Any appointed member serv-  
26 ing as a member affiliated with Salem State College who ceases to  
27 be affiliated with the college as a result of ceasing to serve as a  
28 trustee of the college or ceasing to remain in the employment of  
29 the college shall be deemed to vacate the office of director of the  
30 corporation. In the event of a vacancy in the office of a member, a  
31 successor shall be appointed in like manner to serve for the unex-  
32 pired term. Unless reappointed, no member of the corporation  
33 shall hold office after the expiration of the member's term, and the

34 appointment of a successor to any person whose term has expired  
35 shall be for the remainder of the term which would have begun at  
36 such expiration if the successor had then been appointed.

1 SECTION 7. The directors of the corporation shall adopt a cor-  
2 porate seal for the corporation, and designate the custodian there-  
3 of; may from time to time appoint and at pleasure remove a clerk,  
4 a treasurer or such other officers of the corporation as they may  
5 deem necessary, and may determine their duties and their compen-  
6 sation, which shall be paid by the corporation; shall cause at all  
7 times accurate accounts to be kept of all receipts and expenditures  
8 of the funds of the corporation; and shall make a report annually  
9 to the board of trustees of Salem State College, containing an  
10 abstract of such accounts and detailed information of all receipts  
11 and expenditures, including contracts for construction or rehabili-  
12 tation of facilities and for the leasing thereof, and such other  
13 detailed information as may be deemed helpful. The office of trea-  
14 surer and clerk may be held by the same person. The corporation  
15 shall cause an audit of its books and accounts to be made at least  
16 once in each fiscal year by certified public accountants and the  
17 cost thereof shall be treated as an item of current expense. Except  
18 as otherwise provided in this act, the corporation shall have full  
19 power to exercise care of its property and the management of its  
20 business and affairs, and to sell, lease or sublease any real estate  
21 or other property not needed for its business or affairs, by instru-  
22 ment sealed with its corporate seal, signed and acknowledged by a  
23 majority of the board of directors or in like manner to authorize  
24 such sale, lease or sublease by any of its officers or agents. The  
25 treasurer shall give bond for the faithful performance of his  
26 duties, with a surety company authorized to do business in this  
27 commonwealth as surety, in such sum as the said board may deter-  
28 mine, the premium therefor to be paid by the corporation.

1 SECTION 8. Except as provided herein rents and charges for  
2 services or facilities furnished or supplied by the corporation shall  
3 not be subject to supervision or regulation by any department,  
4 division, commission, board, bureau or agency of the common-  
5 wealth or any political subdivision thereof.

1 SECTION 9. The corporation shall be liable in contract or in  
2 tort in the same manner as a private corporation. The directors,  
3 employees, officers and agents of the corporation shall not be  
4 liable as such on its contracts or for torts not committed or dir-  
5 ectly authorized by them. The property or funds of the corporation  
6 shall not be subject to attachment or to levy and sale on execution,  
7 but if the corporation refuses to pay a judgment entered against it  
8 in any court of competent jurisdiction, the superior court, sitting  
9 within and for the county in which the corporation is situated,  
10 may, by writ of mandamus, direct the treasurer of such agency to  
11 pay such judgment. The real estate of the corporation shall not be  
12 subject to liens under chapter two hundred fifty-four but the pro-  
13 visions of section twenty-nine of chapter one hundred forty-nine  
14 shall be applicable to any construction work by the corporation.

1 SECTION 10. The real estate and tangible personal property of  
2 the corporation shall be deemed to be public property used for  
3 essential public and governmental purposes and shall be exempt  
4 from taxation and from betterments and special assessments; the  
5 city of Salem may determine a sum to be paid to it annually in any  
6 year or period of years, such sum to be in any year equal to the  
7 amount that would be levied at the then current tax rate upon the  
8 then current assessed value of such real estate, including buildings  
9 and other structures, the valuation for each year being reduced by  
10 all abatements thereon. In no event, however, shall any amount be  
11 due prior to the first year in which the corporation has leased  
12 some portion of the real property to the third party and has  
13 received rental payments or fees in return therefor and any amount  
14 so due shall be pro-rated based upon the percentage of the proper-  
15 ty for which rental payments or fees have been received.

1 SECTION 11. The provisions of this act are severable, and if  
2 any of its provisions shall be held unconstitutional by any court of  
3 competent jurisdiction, the decision of such court shall not affect  
4 or impair any of the remaining provisions.

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



