

SPECIAL MEETING OF THE BOARD OF TRUSTEES
December 3, 2014

PRESENT: Trustees Burns, Crawford, Davis, Lancome, Mattera (Vice Chair), Scott (Chair), and Segal; President Meservey; and Secretary to the Board Fleischman. Participating remotely by phone: Trustee Abdo for a portion of the meeting.

ABSENT: Trustees Ansara, Quiroga and Stringer.

Individuals also present and participating in the meeting: Vice President for Marketing and Communications Torello.

The provisions of General Laws, Chapter 30A, having been complied with and a quorum of the Board being present, the Board of Trustees of Salem State University held a special meeting in Room 210 of Marsh Hall, Central Campus, Salem, Massachusetts, on December 3, 2014, with Pamela C. Scott, Chair, presiding.

* * *

I. CALL TO ORDER

Call to Order

Chair Scott called the meeting to order at 5:02 p.m.

* * *

II. NEW BUSINESS

New Business

Chair Scott began the meeting by inviting Vice President Torello to summarize the action taken at the joint committee meeting held just prior to the board meeting with the Finance & Facilities and Institutional Advancement, Marketing & Communications Committees. He explained the rationale for a new website and described the timeline for redesign over 12-18 months.

Upon a motion duly made by Trustee Burns, seconded by Trustee Mattera, it was unanimously VOTED: **That the Board of Trustees earmark and set aside an amount not to exceed \$670,000 from the University's Investments to pay for the Website Redesign Project, during FY15 and FY16. The president and other officers of the university are hereby authorized to do all things and take all actions necessary to withdraw funds as needed during FY15 and FY16 to pay for the Website Redesign Project.**

The second item for consideration at the meeting was a proposed action by the Salem State University Assistance Corporation Board to grant a permanent easement on a piece of property that it owns near the corner of Loring Avenue and Canal Street to the City of Salem for the purpose of widening the sidewalk. President Meservey referred the Board to a memo addressed to them by

Thomas Guidi, attorney for the SSUAC Board, and explained that the Assistance Corporation's enabling legislation required them to notify the Salem State University Board of Trustees in writing and consult with the Board before disposing of any property that SSUAC owns. In the course of discussion, Trustee Burns expressed the opinion that granting an easement in this case was easier than conveying title to the property and preferable for future considerations.

Upon a motion duly made by Trustee Burns, seconded by Trustee Mattera, it was unanimously **VOTED:** **The Salem State University Board of Trustees hereby directs the Board Chair to communicate in writing with the Salem State University assistance Corporation Board expressing no objection to the granting of a permanent easement to the City of Salem by the Assistance Corporation for the property located at 265 and 285 Canal Street outlined in Exhibit A attached hereto.**

With that, Chair Scott announced that the next item for discussion was a Real Estate acquisition that required the Board to enter executive session. There was no further business on the agenda and the meeting would not reconvene.

The Chair called for a motion to enter executive session. Trustee Lancome made the motion, seconded by Trustee Davis. Secretary Fleischman took the roll:

For: Abdoo, Burns, Crawford, Davis, Lancome, Mattera, Scott and Segal
Against: None

The Board entered executive session at 5:12 pm.

The Board exited executive session at 6:20 pm.

Upon a motion duly made by Trustee Segal, seconded by Trustee Mattera, it was unanimously **VOTED:** **To adjourn the meeting at 6:21 pm.**

* * *

III. ADJOURNMENT

There being no further business to come before the Board and on a motion duly made by Trustee Villa and seconded by Trustee Segal, it was unanimously

VOTED: **To adjourn the meeting at 7:03 p.m.**

Respectfully submitted,



Patricia Maguire Meservey
President

Adjournment

A handwritten signature in black ink, reading "Jean E. Fleischman". The signature is written in a cursive style with a prominent initial "J".

Jean E. Fleischman
Secretary to the Board of Trustees



60 State Street
Boston, MA 02109-1899
t 617 227 7940
f 617 227 0781
www.hembar.com

Thomas L. Guidi
Direct Dial (617) 557-9709
tguidi@hembar.com

November 19, 2014

Jean Fleischman, Secretary
Board of Trustees
Salem State University
352 LaFayette Street
Salem, MA 01970

Trustees

Counselors at Law

Timothy F. Fidgeon
Michael B. Elefante
Michael J. Puzo
Thomas L. Guidi
Edward Notis-McConarty
Diane C. Tillotson
Stephen W. Kidder
Arthur B. Page
Susan Hughes Banning
Joan Garrity Flynn
Frederic J. Marx
Nancy B. Gardiner
Kurt F. Somerville
Teresa A. Belmonte
Brian C. Broderick
Charles Fayerweather
Nancy E. Dempze
*Joseph L. Bierwirth, Jr.
*Dennis R. Delaney
*Mark B. Elefante
*John J. Sciliano

Marcia M. Governale
Sarah M. Waelchli
Emma D. Becker
Charles R. Platt
Ryan P. McManus
Nicholas M. McGrath
Kevin M. Ellis
Andrea M. Coloff

David H. Morse
Roy A. Hammer
Lawrence T. Perera
George T. Shaw
Deborah J. Hall
R. Robert Woodburn, Jr.
Raymond H. Young
Cornelia R. Tenney
Of Counsel

*Also Admitted in NH

RE: Central Campus – Sidewalk Work

Dear Jean:

I am enclosing a letter to the Board of Trustees (the "Board"), informing the Board that Salem State University Assistance Corporation ("SSUAC") would like to grant an easement on a strip of its land to the City of Salem and the Massachusetts DOT to allow them to widen the sidewalk along the portion of Central Campus abutting Loring Avenue.

As we previously discussed, SSUAC's enabling legislation requires SSUAC to notify in writing and consult with the Board prior to any transfer of an interest in its real estate. Please see that the enclosed letter and attachments are presented to the Board. I would appreciate written confirmation of the Board's receipt of the letter and whether it has any objections to the proposed easement.

Thank you for your assistance.

Sincerely yours,


Thomas L. Guidi

TLG/ate
Enclosures

Cc: Patricia Maguire Meservey, President



Hemenway & Barnes LLP

60 State Street
Boston, MA 02109-1899
t 617 227 7940
f 617 227 0781
www.hembar.com

Thomas L. Guidi
Direct Dial (617) 557-9709
tguidi@hembar.com

November 19, 2014

Trustees

Counselors at Law

Timothy F. Fidgeon
Michael B. Elefante
Michael J. Puzo
Thomas L. Guidi
Edward Notis-McConarty
Diane C. Tillotson
Stephen W. Kidder
Arthur B. Page
Susan Hughes Banning
Joan Garrity Flynn
Frederic J. Marx
Nancy B. Gardiner
Kurt F. Somerville
Teresa A. Belmonte
Brian C. Broderick
Charles Fayerweather
Nancy E. Dempze
*Joseph L. Bierwirth, Jr.
*Dennis R. Delaney
*Mark B. Elefante
*John J. Siciliano
Marcia M. Governale
Sarah M. Waelchli
Emma D. Becker
Charles R. Platt
Ryan P. McManus
Nicholas M. McGrath
Kevin M. Ellis
Andrea M. Coloff

David H. Morse
Roy A. Hammer
Lawrence T. Perera
George T. Shaw
Deborah J. Hall
R. Robert Woodburn, Jr.
Raymond H. Young
Cornelia R. Tenney
Of Counsel

*Also Admitted in NH

Board of Trustees
Salem State University
352 LaFayette Street
Salem, MA 01970

Ladies and Gentlemen:

I am writing on behalf of Salem State University Assistance Corporation (“SSUAC”). SSUAC’s enabling legislation (copy enclosed) includes certain requirements that must be met when SSUAC acquires or disposes of real property. Subsection (e) includes a provision (see highlighted language) requiring SSUAC to notify in writing and to consult with the Board of Trustees of Salem State University prior to transferring any of its real property.

Since its inception, SSUAC has acquired several parcels of real estate, but it has never disposed of any real estate. However, SSUAC was recently approached by the City of Salem in connection with a sidewalk improvement project involving sidewalks abutting property owned by SSUAC on Loring Avenue and Canal Street. The proposed improvements include widening the sidewalks slightly. The widened sidewalk will encroach upon the Central Campus property by up to 2 feet. In order to save substantial time and expense, instead of taking these small amounts of property by eminent domain, the City has been encouraged by both the state DOT and Federal Highway Department (apparently both are contributing funding for the new sidewalks) to ask the abutters to donate the affected land.

Instead of conveying title, SSUAC is willing to grant to the City and the State a permanent easement over these small strips of land for nominal consideration in order to obtain better and safer sidewalks. We have determined that the small amount of land involved will not adversely affect the use of the remaining land by SSU or SSUAC.

I have also enclosed a copy of the proposed Easement that SSUAC is prepared to grant to the City of Salem and Massachusetts DOT. The easement areas are shown in



November 19, 2014

Page 2

red on the plans attached thereto. Please let me know if you have any questions or require any further information. We would appreciate written confirmation of your receipt of this letter and whether you have any objections to the proposed Easement.

Thank you for your attention to this matter.

Sincerely yours,

Thomas L. Guidi, attorney for
Salem State University Assistance
Corporation

TLG/ate
Enclosures

Cc: Gordon Hall, Chairman
Greg Smith, Chief Executive Officer

EASEMENT

KNOWN ALL MEN BY THESE PRESENTS that SALEM STATE UNIVERSITY ASSISTANCE CORPORATION, a Massachusetts nonprofit corporation created by Section 277 of Chapter 60 of the 1994 Massachusetts Acts and Resolves, as amended, with its principal office at 121 Loring Avenue, Salem, Massachusetts 01970 (the "Grantor"), for nominal consideration, grants to the City of Salem, Massachusetts and the Massachusetts Department of Transportation (the "Grantees") and their respective successors and assigns, perpetual rights and easements (a) to construct, install, relocate, reconstruct, maintain and replace a sidewalk on the portions of the Grantor's land in Salem, Essex County Massachusetts shown as "SW-1" and "SW-2" on the plans attached hereto as Exhibit A (the "Easement Areas"), (b) to use the Easement Areas as public sidewalks and (c) to enter upon and authorize and permit others to enter upon the Easement Areas from time to time for all of the foregoing purposes.

For Grantor's title, see deed dated August 24, 2010 recorded with the Essex County South District Registry of Deeds, Book 29712, Page 19.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed under seal as of the day of , 2014.

SALEM STATE UNIVERSITY
ASSISTANCE CORPORATION

By: _____
Gordon Hall, Chairman

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF ESSEX

Before me, the undersigned notary public, on this _____ day of _____, 2014, personally appeared Gordon Hall, who is personally known to me or was proved to me through a current document issued by a federal or state government agency bearing a photographic image of the signatory's face and signature, to be the person whose name is signed to the foregoing instrument and acknowledged to me that he signed it as his free act and deed and the free act and deed of Salem State University Assistance Corporation as Chairman of Salem State University Assistance Corporation, for its stated purpose.

[notary seal]

Exhibit A

SW-2
 SALEM STATE COLLEGE
 ASSISTANCE CORP.
 AREA ABOUT 218 SF

MAP OF LOT 18
 AND OR FORMERLY
 THE WASHINGTON STREET TRUST
 FERRIS, JOHN A. OR
 FERRIS, FRANK O. OR
 FERRIS, ESTHER M.
 105 CANAL STREET
 1893, BOOK 10718 PAGE 170
 AREA & 20-3 2024

UNAPPROVED
 GRAVE

1967

CLATS

BT

CITY LAYOUT

CANAL STREET

CITY LAYOUT

2'±

141'±

144'±

2'±

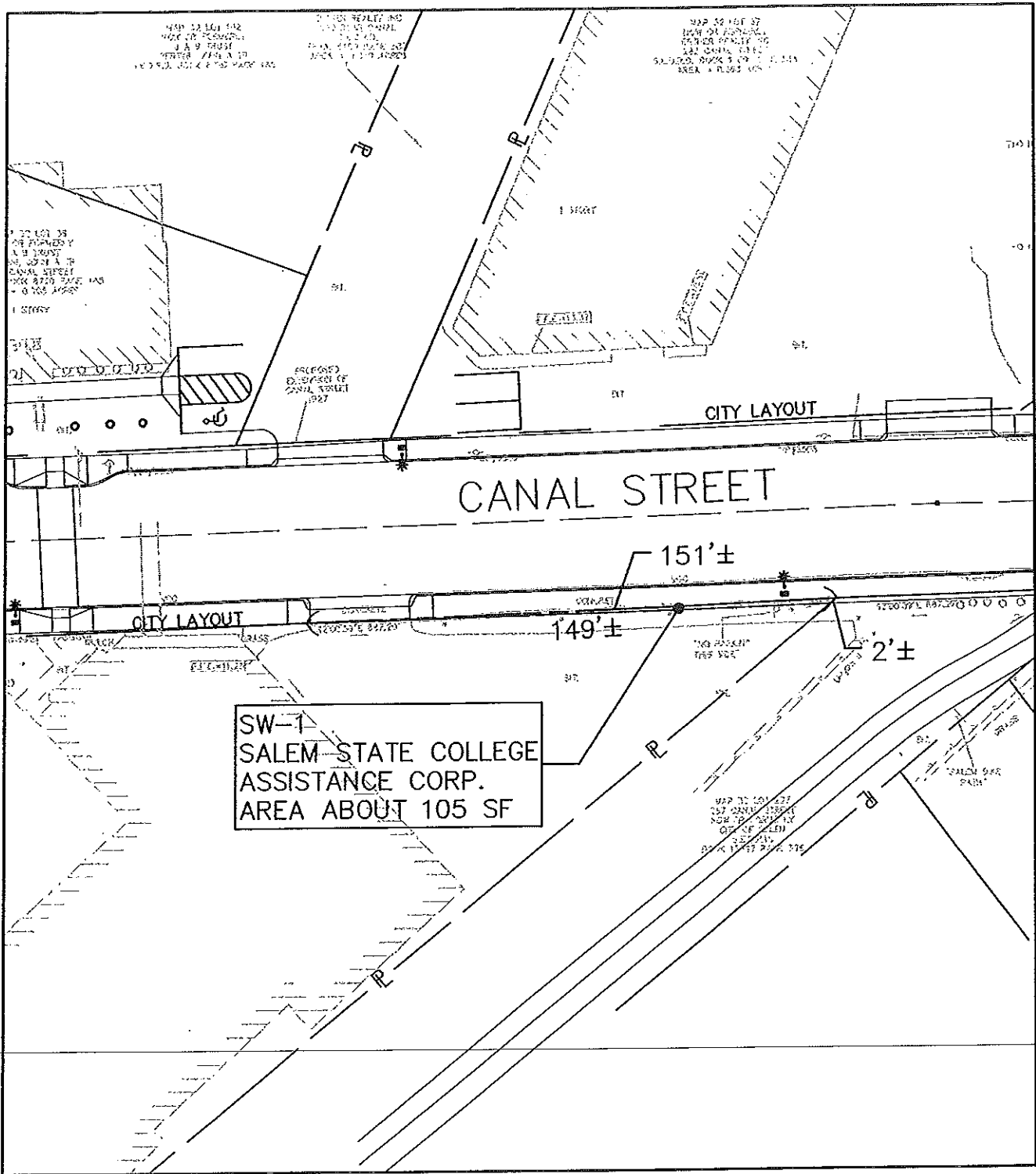
ROSE STREET

MAP OF LOT 18
 SALEM STATE COLLEGE
 ASSISTANCE CORP.
 265 CANAL STREET
 1893, BOOK 10718 PAGE 170

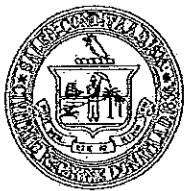
CANAL STREET RECONSTRUCTION
 SALEM, MASSACHUSETTS



PARCEL REFERENCE: BK. 27260 PG. 87
 PARCEL ADDRESS: 265 CANAL STREET



CANAL STREET RECONSTRUCTION
SALEM, MASSACHUSETTS



HOR. SCALE IN FEET



PARCEL REFERENCE: BK. 27260 PG. 87
PARCEL ADDRESS: 285 CANAL STREET

SECTION 277. (a) It is hereby found and declared that:

(1) The Salem state college is a critical element of the commonwealth's higher education system and fulfilling the mission of Salem state college to provide educational resources to the citizens of the commonwealth is essential to providing students with the skills and opportunities necessary to a full and productive life.

(2) Providing physical and financial resources necessary to meet the needs of the Salem state college now and in the future is critical to the ability of Salem state college to fulfill its mission including providing the work force with skills necessary to allow for the maintenance and expansion of the industrial, technological and manufacturing sectors of the commonwealth's economy.

(3) There exists within the city of Salem a site of approximately thirty-seven and one-half acres, which was formerly the site of the GTE/Sylvania plant, located proximately between the north and south campuses of Salem state college.

(4) Creation of a nonprofit assistance corporation with certain statutory authority would provide a vehicle with the necessary flexibility to prudently pursue such opportunities for the benefit of Salem state college, its present and future students and the commonwealth.

(5) It is therefore expressly declared that the provisions of this section constitute a needed program in the public interest in furtherance of an essential governmental function and serve a necessary and valid public purpose for which public money may be expended or invested.

(b) As used in this section the following terms shall, unless otherwise required, have the following meanings:

"board of directors", board of directors of the Salem state college assistance Corporation;

"board of trustees", board of trustees of the Salem state college;

"college", Salem state college or, should Salem state college be dissolved or fail to qualify either as a political subdivision of the commonwealth or an educational institution exempt from federal income tax under Section 501(c)(3) of the Code, then such other educational institution of higher learning established and operating in the commonwealth as shall be designated by the council, which is either such a political subdivision or such an exempt organization;

"Code", the Internal Revenue Code of 1986, as the same may, from time to time, be amended;

"corporation", Salem state college assistance corporation created by subsection (c); "the council", the higher education coordinating council established pursuant to section four of chapter fifteen A of the General Laws;

"educational institution", an educational organization within the meaning of section 170(b)(1)(A)(ii) of the Code;

"site", the thirty-seven-and-one-half-acre site, within the city of Salem, which was formerly the site of the GTE/Sylvania plant, located proximately between the north and south campuses of Salem state college.

(c)(1) There is hereby created a body politic and corporate to be known as the Salem state college assistance corporation. The corporation is not and shall not be deemed a public agency or state agency within the meaning of such terms in chapter seven of the General Laws for any purpose.

(2) The corporation shall be governed by a board of thirteen directors, four of whom shall be appointed by the board of trustees, three of whom shall be appointed by the governor, one of whom shall be the President of the college ex officio, one of whom shall be the mayor of the City of Salem, ex officio, or his designee, one of whom shall be the planning director of the City of Salem, ex officio, one of whom shall be appointed by the Salem chamber of commerce, one of whom shall be appointed by the Salem partnership and one of whom shall be an individual representing the regional community and appointed by the President of the college. Of the governor's appointees at least one shall be a person experienced in financial aspects of real estate development and management, at least one shall be a person experienced in planning, and at least one shall be a person experienced in college administration.

(3) Directors shall serve for a term of three years provided, however, of those initially appointed by the board of trustees two shall be appointed for one year, and one for two years, and of those initially appointed by the governor one shall be appointed for one year and one for two years and the individual initially appointed by the chamber of commerce shall be appointed for two years. Vacancies arising from other than the expiration of the term shall be filled by the party responsible for the initial appointment. Directors shall serve without compensation but may be reimbursed for expenses necessarily incurred in the performance of their duties.

(4) The board of trustees from time to time shall designate one of the directors to serve as chairman. The directors shall from time to time elect from among themselves a vice-chairman and a secretary. The secretary shall be the custodian of all books, documents and papers of the corporation and of its minute book and seal. Unless otherwise provided in by-laws adopted by the board of directors, the number of directors required to constitute a quorum shall be a majority of the directors then in office. If a quorum is present, a majority of the directors present may take any action on behalf of the board of directors except to the extent that a larger number is required by this section, other applicable laws or by-laws adopted by the board of directors.

(5) The purposes of the corporation shall be to (i) promote the orderly growth and development of the college; (ii) to assist the college in securing physical and financial resources necessary for the acquisition and development of the site.

(6) In furtherance of such purposes the corporation shall, subject only to the restrictions and limitations hereinafter contained, have the following powers:

A. To make and execute contracts and any other instruments necessary or convenient for the exercise of its powers or the discharge of its duties and incur liabilities for any other purposes of the corporation;

- B. To have a corporate seal which it may alter at its pleasure;
- C. To adopt by-laws for the regulation of its affairs;
- D. To accept, acquire, receive, take, and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree or otherwise, for any of its objects and purposes, any property both real and personal reasonably related to the acquisition and development of the site;
- E. To sue or be sued, provided, however, a director or officer of the corporation shall not be liable for the performance of his duties if he acts in compliance with section six C of chapter one hundred and eighty of the General Laws;
- F. To sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of any such property, both real and personal, as the objects and purposes of the corporation may require;
- G. To borrow money, and from time to time, to make, accept, endorse, execute, and issue promissory notes, bills of exchange, and other obligations of the corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of any such obligation by mortgage, pledge, deed, agreement, or other instrument of trust, or other lien upon, assignment of, or agreement in regard to all or any part of the property rights or privileges of the corporation, whether now owned or hereafter to be acquired;
- H. To receive stocks, bonds, donations, gifts and to otherwise raise money for the corporation's purposes;
- I. To elect, appoint and employ officers, agents and employees; to fix their compensation and define their duties and obligations and to indemnify corporate personnel;
- J. To enter into agreements for other transactions with any person, including, without limitation, any governmental instrumentalities or agencies in connection with any of its powers or duties and any governmental agency is hereby authorized to enter into such agreements or transactions with the corporation;
- K. To do all acts and things necessary or convenient to the exercise of any power or the discharge of any duty provided for by this section.
- (d) The corporation is hereby deemed to be an "institution for higher education" solely for the purposes such term is used in chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight. Any acquisition of property by purchase, lease, or other method by the corporation shall be deemed a "project" as such term is used in chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight. The corporation shall be fully eligible to receive any and all assistance from the Massachusetts health and education facilities authority created by chapter six hundred and fourteen of the acts of nineteen hundred and sixty-eight in the same manner as any institution for higher education.
- (e) The corporation shall assess the space needs of the college on a regular basis and shall lease or rent land or space in any facility under the control of the corporation to any entities other than the college only after making a determination that the college does not have a foreseeable need for such space or land for the term of the lease or rental agreement.

In no event shall the corporation sell, convey, transfer, exchange or otherwise dispose of any real property without notifying in writing and consulting with the board of trustees and the council, and after such consultation making a determination that such sale, conveyance, transfer or exchange is in the best interests of the college. Any such sale, conveyance, transfer or exchange shall require a vote of two-thirds of the members of the board of directors.

(f) The college or any state agency or entity acting on the college's behalf, may enter into an agreement to rent, lease or otherwise utilize any facility owned by, or under the control of, the corporation. The corporation shall be paid rent and costs for such facilities at a rate agreed to by the corporation and college or state agency or entity entering into an agreement on the college's behalf, provided that such amount may not exceed the fair market value for the use of such facilities at the time the agreement is made. Subject to this limitation, the college's determination to rent, lease or otherwise utilize any facility owned or under the control of the corporation and any agreement related thereto shall not be subject to chapter seven of the General Laws.

(g) The corporation shall not have the authority to engage in any activities which are not in furtherance of its corporate purposes or to support or benefit any organization other than the college, and all of the powers granted under this section to the corporation shall be exercised in a manner consistent therewith.

Notwithstanding any other provision herein contained, neither the directors and officers of the corporation nor the corporation shall participate in any "prohibited transaction" within the meaning of Section 503 of the Code, nor shall the corporation be operated at any time for the primary purpose of carrying on a trade or business for profit.

Subject to the other provisions of this section, the corporation shall use and/or distribute all property from time to time held by the corporation solely in the furtherance of its corporate purposes in such manner as the board of directors shall determine; no part of the assets or net earnings, if any, of the corporation shall inure to the benefit of, or be distributable to, its directors, its officers or any private individual, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its corporate purposes; and the corporation shall not directly or indirectly participate in or intervene in (including the publishing or distributing of statements) any political campaign or behalf of or in opposition to any candidate for public office, and no substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation (except to the extent the corporation makes expenditures for purposes of influencing legislation in conformity with the requirements of Section 501(h) of the Code). If the corporation is deemed to be a private foundation as defined in Section 509 of the Code, the provisions of chapter sixty-eight A of the General Laws shall apply to it.

(h) The operation and maintenance of projects by the corporation shall constitute the performance of an essential governmental function, and the corporation shall not be required

(i) Upon or dissolution of the corporation after payment of all of the liabilities of the corporation or due provision therefor, all of the assets of the corporation shall be distributed to the council, to be held in trust for the benefit and purposes of the college, and shall not inure to the benefit of or be distributed to any private individual.

(j) ~~None of the powers, duties, actions, responsibilities, or authorities of whatever kind or nature which are vested or created in the corporation or college by this section, either explicitly or implicitly, shall be legally valid nor may said powers, duties, actions, responsibilities, or authorities be exercised in the absence of review and comment by the inspector general of the Commonwealth of the propriety of any proposed action and further appropriate legislative authorization.~~

(k) The provisions of this section are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 278. Notwithstanding the provisions of any general or special law to the contrary, the Shrewsbury Community Cablevision Company, located at 100 Maple Avenue in Shrewsbury Massachusetts shall be exempt from the provisions of the last paragraph of section two of chapter one hundred and sixty-six A.

SECTION 279. As provided in line item 4510-0617 of section two of this act regarding the development of a continuous real-time environmental radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of the nuclear power plant in Seabrook, New Hampshire, be it further directed that all funds appropriated under this provision shall be expended solely for monitoring services provided by said private contractor for the purposes described in said line item.

SECTION 280. The executive office for administration and finance is hereby authorized and directed to reimburse cities, towns, and regional school districts for completed projects in accordance with the provisions of chapter six hundred and fourteen of the acts of nineteen hundred and eighty-five as audited and granted final approval by the department of labor and industries and the department of education; provided, that the Gateway regional school district shall receive funds to meet outstanding liabilities incurred by the removal, containment or encapsulation of asbestos. For the purposes of this section, qualifying projects shall have been completed on or before June thirtieth, nineteen hundred and ninety-four.

SECTION 281. Notwithstanding the provisions of any general or special law to the contrary, expenses incurred by the residential conservation service program within the division of energy resources, up to a maximum of one hundred eighty-eight thousand and forty-seven dollars, plus indirect costs as determined by the secretary of administration and finance and the cost of fringe benefits as calculated by said secretary pursuant to section six B of chapter twenty-nine of the General Laws, shall be assessed upon utility companies in accordance with the provisions of chapter twenty-five A of the General Laws.

SECTION 282. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration and finance is hereby authorized and directed

to pay any taxes or special, betterment or other assessments within the commonwealth, including, without limitation, taxes on real or personal property and any ad valorem taxes, upon any property owned, constructed, acquired, leased or used by it under the provisions of this section. The corporation shall not be subject to any taxes based upon or measured by income which may be enacted by the commonwealth. Obligations issued by the corporation under this section, and any income derived therefrom, including any sale, exchange or transfer of such obligation, shall at all times be free from taxation within the commonwealth.

Land, buildings and tangible personal property of the corporation, if leased to the extent permitted pursuant to this section for any activity or transaction entered into by the lessee for financial profit or gain, shall be taxed or assessed by the city or town in which such land, buildings and tangible personal property may be situated to the lessee thereof respectively, in the same manner as such land, buildings and tangible personal property would be taxed or assessed to such lessee if they were owners thereof, except as follows:

(1) the payment of the tax or assessment shall not be enforced by any lien upon or sale of such land or buildings, but for the purpose of enforcing the payment of such taxes or assessments by such lessees to the city or town in which such land or buildings are situated, a sale of the leasehold interest therein may be made by the collector of the city or town in the manner provided by law for selling real estate for the nonpayment of real estate taxes.

(2) such land, buildings and tangible personal property leased to any political subdivision of the commonwealth or to any public charity described in section eight of chapter twelve of the General Laws for its charitable purposes shall not be taxed or assessed to any such lessees.

(3) that in lieu of such taxes, and any betterment of special assessments, the city of Salem may determine a sum to be paid to it annually in any year or period of years, such sum to be in any year equal to or less than the amount that would be levied at the then current tax rate upon the then current assessed value of such real estate, including buildings and other structures, the valuation for each year being reduced by all abatements thereon. In no event, however, shall any amount be due prior to the first year in which the corporation has leased some portion of the real property to a third party and has received rental payments for fees in return therefore and any amount so due shall be prorated based upon the percentage of the property for which rental payments or fees have been received.

If any such lessee is subject to the excise levied under the provisions of sections thirty to forty-two B, inclusive, of chapter sixty-three of the General Laws, such tangible personal property shall be treated as though it were owned by such lessee for the purposes of such excise, and it shall be valued at eight times its annual rental rate, unless and to the extent that such property is treated by the lessee as owned by it for federal income tax purposes, in which case its value shall be its adjusted basis, as defined in the applicable provisions of the Code.

All tangible property, real or personal, so leased shall be considered tangible property owned or rented and used in the commonwealth by such lessee for the purposes of section thirty-eight of chapter sixty-three of the General Laws.

He shall have direct and prompt access to the head of the corporation when necessary for any purpose pertaining to the performance of his duties and responsibilities under this section. He may request the production, on a voluntary basis, of testimony or documents from any individual firm or non-governmental entity which relate to his duties and responsibilities under this section.

The inspector general may require by summons, the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation pursuant to the provisions of this section except records to which the provisions of said section eighteen of said chapter sixty-six apply.

Such summons shall be served in the same manner as a summons for the production of documents in civil cases issued on behalf of the commonwealth, and all provisions of law relative to said summons shall apply to a summons issued pursuant to this section. Any justice of the superior court department in the trial court may, upon application by the inspector general, issue an order to compel the production of records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material as aforesaid. Any failure to obey such order may be punished by said court as contempt. Any summons issued pursuant to this section shall not be made public by the inspector general or any officer or employee of his department, nor shall any documents provided pursuant to this section be made public until such time as it is necessary for the inspector general to do so in the performance of his duties under this section. The production of such books and papers pursuant to summons shall be governed by the same provisions with reference to secrecy which govern proceedings of a grand jury. Disclosure of such production, attendance and testimony may be made to such members of the staff of the office of inspector general as is deemed necessary by the inspector general to assist him in the performance of his duties and responsibilities under this section and such members of the staff may be present at the production of records.

SECTION 2. Section 125 of chapter 273 of the acts of 1994 is hereby amended by striking out subsection (j) and inserting in place thereof the following subsection:-

(j) The corporation shall not exercise any of the following powers, duties, actions, responsibilities or authorities in the absence of review and comment by the inspector general of the commonwealth, which review and comment shall be provided within two weeks of submission by the corporation of a plan setting forth the power, duty, action, responsibility or authority proposed to be taken:

(1) entering into a contract requiring an annual expenditure in excess of one hundred thousand dollars by the corporation; provided, however, that the corporation is authorized to enter into those contracts necessary to acquire the site, without further review by the inspector general, but pursuant to a memorandum of understanding with the secretary of administration and finance with respect to the acquisition, renovation, operation, and potential disposition of the site;

(2) borrowing monies such that the outstanding amount of monies borrowed by the corporation exceed one hundred thousand dollars;

SECTION 1. Section 277 of chapter 60 of the acts of 1994 is hereby amended by striking out subsection (j) and inserting in place thereof the following subsection:-

(j) The corporation shall not exercise any of the following powers, duties, actions, responsibilities or authorities in the absence of review and comment by the inspector general of the commonwealth, which review and comment shall be provided within two weeks of submission by the corporation of a plan setting forth the power, duty, action, responsibility or authority proposed to be taken:

(1) entering into a contract requiring an annual expenditure in excess of one hundred thousand dollars by the corporation; provided, however, that the corporation is authorized to enter into those contracts necessary to acquire the site, without further review by the inspector general, but pursuant to a memorandum of understanding with the secretary of administration and finance with respect to the acquisition, renovation, operation, and potential disposition of the site;

(2) borrowing monies such that the outstanding amount of monies borrowed by the corporation exceed one hundred thousand dollars;

(3) entering into a contract requiring the sale of any asset of the corporation purchased with monies appropriated by the commonwealth; and

(4) entering into a contract requiring the sale of all or substantially all of the assets of the corporation.

The corporation shall submit annually an audited financial statement to the house and senate committees on ways and means.

SECTION 1A. Said section 277 of said chapter 60 is hereby further amended by adding after subsection (k) the following subsection:-

(l) The inspector general in carrying out the provisions of this section shall have access to all the corporation's records, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation, and any other data and material that is maintained by or available to the corporation which in any way relates to the programs and operations with respect to which the inspector general has duties and responsibilities under this section, except records to which the provisions of section eighteen of chapter sixty-six of the General Laws apply.

The inspector general may request such information, cooperation and assistance from the corporation as may be necessary for carrying out his duties and responsibilities under this section. Upon receipt of such request the person in charge of the corporation's governing body shall furnish to the inspector general or his authorized agent or representative such information, cooperation and assistance, including information relative to the purchase of services or anticipated purchase of services from any contractor by the corporation except records to which the provisions of said section eighteen of said chapter sixty-six apply. He may make such investigations, audits and reports relating to the administration of the programs and operations of the corporation as are in the judgment of the inspector general necessary and may conduct an examination of any documents of the corporation to prevent or detect fraud, waste and abuse in the expenditure of public funds.

Chapter 225

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Seven

AN ACT RELATIVE TO THE SALEM STATE COLLEGE ASSISTANCE CORPORATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to facilitate the purchase of property for the Salem State College Assistance Corporation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience,

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

Subsection (b) of section 277 of chapter 60 of the acts of 1994 is hereby amended by striking out the definition of "site" and inserting in place thereof the following definition:-

"site", the 37.5 acre site, within the city of Salem, which was formerly the site of the GTE/Sylvania plant, located proximately between the north and south campuses of Salem state college and such other properties, including land and buildings thereon, as are located reasonably proximate to the campus of the college and are determined by the corporation to be important in allowing the corporation to fulfill its purposes.

House of Representatives, December 21, 2007.

Preamble adopted,

Paul J. Donato, Acting Speaker.

In Senate, December 20, 2007.

Preamble adopted,

Anthony S. DiStasio, Acting President.

House of Representatives, December 21, 2007.

Bill passed to be enacted,

Paul J. Donato, Acting Speaker.

In Senate, December 21, 2007.

Bill passed to be enacted,

Anthony S. DiStasio, President.

Section 11. When an eligible individual, eligible child or eligible small group is enrolled in the connector by a producer licensed in the commonwealth, the health plan or stand-alone vision or stand-alone dental plan chosen by each eligible individual, eligible child or eligible small group shall pay the producer a commission that shall be determined by the board. In setting the commission for health plans, the board of the connector shall consider rates of commissions paid to producers for health plans issued under chapter 176J as of January 1, 2006.

SECTION 49. Section 12 of said chapter 176Q, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The connector may apply a surcharge to all health benefit plans or stand-alone vision or stand-alone dental plans which shall be used only to pay for administrative and operational expenses of the connector; provided, however, that any such surcharge shall be applied uniformly to all health benefit plans or uniformly to all stand-alone vision or stand-alone dental plans offered through the connector and subconnectors; and provided further, that a subconnector may charge an additional fee to be used only to pay for additional administrative and operational expenses of the subconnector. The surcharges shall not be used to pay any premium assistance payments under the commonwealth care health insurance program under chapter 118H.

SECTION 49A. Section 277 of chapter 60 of the acts of 1994 is hereby amended by striking out, in lines 2, 3, 7, 13, 16, 23, 25, 26, 34, 43, 48, 53, 119, 121, 126, 129, 132, 133, 135, 140, 206 and 209 the word "college" and inserting in place thereof, in each instance, the word "university".

SECTION 49B. Subsection (b) of said section 277 of said chapter 60 is hereby amended by inserting after the definition of "educational institution" the following definition:-

"Enterprise center", the enterprise center at Salem state university, a small business growth center which attracts and retains small and growing businesses and offers a wide range of workshops and educational programs for entrepreneurs, owners of small and growing businesses and managers of non-profit organizations and provides office and light manufacturing space and related facilities.

SECTION 49C. Said subsection (b) of said section 277 of said chapter 60 is hereby further amended by striking out the definition of "site" and inserting in place thereof the following definition:-

"Site", the 37.5 acre site, within the city of Salem, which was formerly the site of the GTE/Sylvania plant, located proximately between the north and south campuses of Salem state university and such other properties, including land and buildings thereon, that are determined by the corporation to be important in allowing the corporation to fulfill its purposes under paragraph (5) of subsection (c).

SECTION 49D. Subsection (c) of said section 277 of said chapter 60 is hereby amended by striking out paragraph (5) and inserting in its place the following paragraph:-

(5) The purposes of the corporation shall be to (i) promote the orderly growth and development of the university; (ii) to assist the university in securing physical and financial resources necessary for the acquisition and development of the site; and (iii) to manage and operate the enterprise center.

resources necessary for the acquisition and development of the site; and (iii) to manage and operate the enterprise center.

SECTION 50. Item 1102-5600 of section 2C of chapter 304 of the acts of 2008 is hereby amended by inserting after the word "Northampton", in line 82, the following words:- ; provided further, that not less than \$300,000 shall be expended to complete a courthouse master plan for the city of New Bedford which shall examine the judiciary's needs, existing court facilities and the possible reuse and expansion of the superior court into a regional justice center.

SECTION 51. Item 1599-1705 of section 2A of chapter 52 of the acts of 2011, as amended by section 24 of chapter 36 of the acts of 2012, is hereby further amended by inserting after the word "storm" the following words:- and the October 2011.

SECTION 51A. Item 0900-0100 of section 2 of chapter 68 of the acts of 2011 is hereby amended by adding the following words:- ; and provided further that any funds remaining in this item on June 30, 2012 shall not revert and shall be available for expenditure by this item until June 30, 2013.

SECTION 52. Said section 2 of said chapter 68 is hereby further amended by striking out item 4180-1100 and inserting in place thereof the following item:-

4180-1100.. For the Soldiers' Home in Massachusetts which may expend not more than \$425,000 in revenues for facility maintenance and patient care, including personnel costs; provided, that 60 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws through the purchase of license plates with the designation VETERAN by eligible veterans, upon compensating the registry of motor vehicles for the cost associated with the license plates, shall be deposited into and expended for the purposes of this retained revenue account of the Soldiers' Home; provided further, that the Soldiers' Home may accept gifts, grants, donations and bequests; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued..... \$425,000.

SECTION 53. Said section 2 of said chapter 68 is hereby further amended by striking out item 4190-1100 and inserting in place thereof the following item:-

4190-1100.. For the Soldiers' Home in Holyoke which may expend not more than \$300,000 for facility maintenance and patient care, including personnel costs; provided, that 40 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws through the purchase of license plates with the designation VETERAN by eligible veterans, upon compensating the registry of motor vehicles for the cost associated with the license plates, shall be deposited into and expended for the purposes of this retained revenue account of the Soldiers' Home; provided further, that the Soldiers' Home may accept gifts, grants, donations and bequests; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or