

HOUSE No. 4430

By Representative Eldridge of Acton and Senator Resor, joint petition of James B. Eldridge and Pamela P. Resor (by vote of the town) that the town of Shirley be authorized to establish a special fund for the preservation of the Longley Acres Conservation Area. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING THE TOWN OF SHIRLEY TO ESTABLISH AN ACCOUNT FOR THE LONGLEY ACRES CONSERVATION AREA.

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. Notwithstanding any general or special law to the
2 contrary, the town of Shirley may establish a separate account,
3 known as the Longley Acres Maintenance Fund, to receive and
4 expend funds, without further appropriation, to operate, maintain,
5 manage and improve the Longley Acres Conservation Area at 27
6 Whitney road, hereinafter referred to as the “area”, and to sell forest,
7 agricultural and related products to benefit the area, at the direction
8 of the town conservation commission acting consistent with its
9 authority under Section 8C of Chapter 40 of the General Laws.

1 SECTION 2. Notwithstanding Sections 53 and 53A of Chapter 44
2 of the General Laws, the income received by the commission,
3 including but not limited to, the proceeds from the sale or lease of
4 forest, agricultural and related products to benefit the area, and the
5 sale of publications and revenue from license agreements for the
6 area shall be deposited into the account, of which the town treasurer
7 shall be the custodian. The treasurer may invest and deposit the
8 funds as provided in Section 8C of Chapter 40 of the General Laws
9 and any income derived from such funds shall be credited to the
10 account. The funds shall be available to the commission, without
11 further appropriation, to maintain and improve the area. Mainte-

12 nance and improvement costs of the area may include, but shall not
13 be limited to:—

14 (a) land surveys, recording fees and costs, plant and wildlife sur-
15 veys, marking of trees or areas for cutting management surveys and
16 mapping;

17 (b) property improvements to the area, including trail establish-
18 ment or improvement, parking, trash pickup, and the protection and
19 development of wildlife and plant habitats;

20 (c) maintenance of the house, barn and other structures;

21 (d) legal and other professional or consulting services;

22 (e) improvement and maintenance of the property and buildings
23 for educational purposes, including classes, walks, lectures, demon-
24 strations and related expenses; and

25 (f) improvement and maintenance of the buildings and land so
26 that the area may be used for farming including, but not limited to,
27 growing crops and hay, gardening, and raising animals.

1 SECTION 3. The commission may establish and promulgate
2 operating standards and performance criteria for work done in con-
3 nection to the area, which may include, but shall not be limited to,
4 restrictions on the nature and method of work performed, such as
5 those related to seasonal or weather-related conditions, methods of
6 stream crossings, stone wall repairs, and the use of oil or other toxic
7 or harmful material in the area or in connection to the area.

1 SECTION 4. The conservation commission may enter into con-
2 tracts to carry out this act; provided, however, that the contracts shall
3 not be subject to Chapter 30B of the General Laws. The commission
4 may include in a contract a requirement that it be held harmless with
5 respect to claims, injuries, costs, damages or other relief arising out
6 of, or related to, the subject matter of the contract. The commission
7 may require a person performing labor or services to maintain lia-
8 bility insurance and performance bonds. The standards and criteria
9 adopted by the commission pursuant to Section 3 may be incorpo-
10 rated into contracts entered into by the commission under this
11 section.

1 SECTION 5. The commission may receive gifts of funds from
2 any source and appropriations from the town of Shirley for deposit
3 into the account.

1 SECTION 6. The funds accumulated to the effective date of this
2 act from the sources listed in Section 2 shall be transferred to the
3 account.

1 SECTION 7. The town accountant shall annually audit the
2 account and submit a copy of the audit to the board of selectmen.
3 The board of selectmen shall publish the audit in the town's annual
4 report.

1 SECTION 8. This act is intended to expand and not limit the
2 powers and authority of the commission and shall not be construed
3 to limit or deny the commission any rights, power or authority other-
4 wise granted by any general or special law or by-law.

1 SECTION 9. This act shall take effect upon its passage.