

SENATE No. 1428

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to authorize the leasing of the Ponkapoag golf course.

PETITION OF:

NAME:

Brian A. Joyce

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO AUTHORIZE THE LEASING OF THE PONKAPOAG GOLF COURSE.

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. . Subsection (a) of section 103 of chapter 182 of the acts of 2008 is hereby
2 amended by striking out the first paragraph and inserting in place thereof the following
3 paragraph:-

4 Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of
5 the General Laws or any other general or special law to the contrary, the division of capital asset
6 management and maintenance, on behalf of and in consultation with the department of
7 conservation and recreation may, using such competitive proposal process as the division
8 considers necessary or appropriate, lease and enter into other agreements, for terms not to exceed
9 25 years with 1 or more operators, for the Ponkapoag golf course in the town of Canton so as to
10 provide for the continued use, operation, maintenance, repair and improvement of the golf
11 courses, practice greens, driving range, restaurant or any other structure and associated lands
12 which constitute the facilities of the Ponkapoag golf course; provided, however, that the division
13 of capital asset management and maintenance, in consultation with the department of
14 conservation and recreation shall give priority to a proposal submitted by the town of Canton or

15 by a nonprofit organization within the town of Canton which complies with the requirements of
16 this section. The division of capital asset management and maintenance shall provide the town
17 of Canton with not less than 45 days to determine whether the town shall submit a proposal
18 before soliciting proposals under subsection (b); and provided further, that if the town of Canton
19 executes a lease of the golf course under this section it shall not assign or otherwise transfer the
20 lease to a third party.

21 SECTION 2. The third paragraph of said subsection (a) of said section 103 of said
22 chapter 182 is hereby amended by striking out the words "General Fund" and inserting in place
23 thereof the following words:- Blue Hills Reservation Trust Fund in accordance with section
24 34C of chapter 92 of the General Laws.

25 SECTION 3. Subsection (b) of said section 103 of said chapter 182 is hereby amended by
26 striking out the first paragraph and inserting in place thereof the following paragraph:-

27 If no lease agreement is reached with the town of Canton under subsection (a) before
28 April 1, 2009, the division of capital asset management and maintenance, in consultation with
29 and on behalf of the department of conservation and recreation, shall solicit proposals through a
30 request for proposals which shall include key contractual terms and conditions to be incorporated
31 into the contract including, but not limited to: (1) a comprehensive list of all recreational
32 facilities operated by the responsive bidder or offeror in the last 4 years; (2) other facilities
33 management or experience of the responsive bidder or offeror; (3) a senior citizens' and
34 children's discount program; (4) reservation policies; (5) proposed reasonable rates that to ensure
35 continued public access; (6) required financial audits; (7) policies to encourage use of the golf
36 course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal

37 opening and closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance
38 processes; (13) clubhouse license; (14) a provision that the facility shall be maintained as a 36-
39 hole public golf course; (15) a provision that the lessee shall not construct any facilities on the
40 grounds of the golf course or any property appurtenant thereto; provided, however, that the
41 lessee may construct facilities with the written approval of the commissioner of conservation and
42 recreation and the majority vote of the board of selectmen in the town of Canton; and (16) a host
43 community agreement between the designated operator and the town of Canton. Any increase in
44 fees, including fees for season passes or club memberships, and any increase in charges for
45 greens' fees or golf cart or club rentals shall be approved in writing by the commissioner of
46 conservation and recreation; provided, however, that in considering any request for an increase
47 in fees, the commissioner shall consider, without limitation: (i) any capital investment made by
48 the contractor or lessee; (ii) the fees and charges at other public golf courses within reasonable
49 proximity; and (iii) the length of time since the last fee increase.

50 SECTION 4. The third paragraph of section 104 of said chapter 182 is hereby amended
51 by striking out the words "General Fund" and inserting in place thereof the following words:-

52 Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General
53 Laws.

54 SECTION 5. The third paragraph of subsection (a) of section 105 of said chapter 182 is
55 hereby amended by striking out the words "General Fund" and inserting in place thereof the
56 following words:- Blue Hills Reservation Trust Fund in accordance with section 34C of chapter
57 92 of the General Laws