

SENATE No. 02039

Senate, Thursday, October 20, 2011 – Pursuant to the provisions of Senate Rule 19, the committee on Ways and Means (Brewer) reports the following committee bill (Senate, No. 2039).

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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An Act relative to the Max Ulin Skating Rink.

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. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55,
2 inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary,
3 the division of capital asset management and maintenance, using those competitive proposal
4 processes as the division considers necessary or appropriate, in consultation with the department
5 of conservation and recreation, may lease and enter into other agreements with 1 or more persons
6 or entities, for terms not to exceed 25 years, for the continued use, operation, maintenance, repair
7 and improvement of the Max Ulin Skating Rink, together with the land and appurtenances
8 associated therewith.

9 (b) The failure of a city or town to apply for prequalification under subsection (c) shall
10 not prohibit that city or town from bidding under this section.

11 (c) Before the division, in consultation with the department, sends out a request for
12 proposals under this section, the division shall hold open a prequalification period of 30 days for
13 the town of Milton and any nonprofit organization located within the town of Milton that desires
14 to bid on the rink, or for a partnership of municipalities which share geographic boundaries as
15 long as the subject rink is located within the geographic area of the municipalities comprising the
16 partnership. The town, a nonprofit organization or a partnership of municipalities that desires to
17 lease the rink under this section may submit materials for prequalification. The prequalification
18 determination may consider, but shall not be limited to, the ability of the town, nonprofit
19 organization or partnership to finance the capital improvements determined to be necessary at the
20 rink by the division and to manage, operate and maintain the property. The division, in
21 consultation with the department, shall determine whether the town, a nonprofit or a partnership
22 is prequalified within 15 days of the expiration of the prequalification period. If the town or
23 nonprofit organization is determined to be prequalified, then the town or non-profit organization
24 shall be awarded the lease for the Max Ulin Skating Rink under the terms and conditions set
25 forth in this act; provided, however, that only 1 lease shall be awarded based on preference as
26 described in subsection (d).

27 (d)(1) Preference shall be given to the town of Milton.

28 (2) If the town and a nonprofit organization are determined to be prequalified, the town
29 shall be awarded the lease.

30 (3) If more than 1 nonprofit organization is determined to be prequalified, the
31 department may choose to which nonprofit the lease for the rink shall be awarded.

32 (4) The town or a nonprofit organization awarded the lease under this act shall pay the
33 sum of \$1.00 as consideration for the lease, subject to the required capital improvements,
34 performance specifications and other prequalification requirements and terms of the division and
35 submitted proposal. The length of the lease shall be determined between the division and the
36 town or nonprofit organization.

37 (e) The lease and other agreements shall be on terms acceptable to the commissioner of
38 capital asset management and maintenance, after consultation with the commissioner of
39 conservation and recreation and, notwithstanding any general or special law to the contrary, shall
40 provide for the lessees to operate, manage, improve, repair and maintain the property and to
41 undertake initial capital improvements as necessary. Leases or other arrangements requiring
42 improvements to be made on the property may include a description of the initially required
43 improvements and performance specifications.

44 (f) Every effort shall be made to balance the ice allocation needs of long-established
45 youth organizations and newly-formed youth organizations in a manner that provides equal
46 opportunity and equal access for youths of each gender; provided, however, that general public
47 skating shall be booked in 2-hour contiguous blocks at a minimum of 12 hours per week, with a
48 range of times and days which reasonably allow for public skaters of all ages to participate in
49 some public skating sessions.

50 (g) The leases and other agreements authorized in this section shall provide that any
51 benefits to the community and the costs of improvements and repairs made to the property
52 provided by the lessees or the recipients of the property shall be taken into account as part of the
53 consideration for such leases or other agreements. Consideration received from the leases or

54 other agreements for the rink shall be payable to the department of conservation and recreation
55 for deposit into the General Fund. The lessees or the recipients of the property shall bear the
56 costs considered necessary or appropriate by the commissioner of conservation and recreation for
57 the transactions including, without limitation, costs for legal work, survey, title and the
58 preparation of plans and specifications.

59 (h) The name of the Max Ulin Skating Rink shall not be altered or changed under any
60 lease or other agreement entered into under this section.