

SENATE, NO. 2310

[Senate, March 8, 2010 - New draft of Senate, No. 1424 reported from the committee on State Administration and Regulatory Oversight.]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND NINE

AN ACT RELATIVE TO THE MAX ULIN 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, and using those competitive proposal processes as the
3 division of capital asset management and maintenance considers necessary or appropriate, the division, in
4 consultation with the department of conservation and recreation, may lease and enter into other
5 agreements, for terms not to exceed 25 years, to 1 or more proponents, for Ulin memorial rink in the town
6 of Milton, so as to provide for the continued use, operation, maintenance repair and improvement of such
7 state-owned buildings and facilities, together with the land and appurtenances associated therewith,
- 8 (b) The failure of a city or town to apply for prequalification, as set forth below, shall not prohibit
9 that city or town from bidding under this section.

10 (c) Before the division, in consultation with the department, sends out a request for proposals
11 under this section, the division shall hold open a prequalification period of not less than 30 days for the
12 town of Milton and any nonprofit organizations located within the Town of Milton that desire to bid on
13 the rink listed in this section and located within the town of Milton, or for a partnership of municipalities
14 which share geographic boundaries as long as the subject rink is located within the geographic area of the
15 municipalities comprising the partnership. A city, town, nonprofit organization or partnership of
16 municipalities that desires to lease a rink under this section may submit materials for prequalification.
17 The prequalification determination may consider, but need not be limited to, the city's, town's, nonprofit
18 organization's or partnership's ability to finance the capital improvements determined to be necessary at
19 each rink listed in this section by the division and to manage, operate and maintain the properties. The
20 division, in consultation with the department, shall determine whether a city, town, nonprofit or
21 partnership is prequalified within 15 days of the end of the prequalification period. If a city, town,
22 nonprofit organization or partnership is determined to be prequalified, that city, town, non-profit
23 organization or partnership shall be awarded the lease for that rink under the terms and conditions set
24 forth in this section. Preference shall be given to the city or town in which the rink is located. If a city,
25 town, nonprofit organization or partnership is determined to be prequalified, that city, town, nonprofit
26 organization or partnership shall pay consideration of one dollar (\$1.00) for a lease subject to the
27 required capital improvements, performance specifications and other prequalification requirements and
28 terms of the division and submitted proposal. If more than one nonprofit organization is determined to
29 be prequalified the department may choose which nonprofit or partnership to award the lease for that rink.
30 The length of the lease shall be determined between the division and the city, town, nonprofit
31 organization or partnership.

32 (d) The lease and other agreements shall be on terms acceptable to the commissioner of capital
33 asset management and maintenance, after consultation with the commissioner of conservation and
34 recreation and, notwithstanding the provisions of any general or special law to the contrary, shall provide

35 for the lessees to operate, manage, improve, repair and maintain the properties and to undertake initial
36 capital improvements the commissioner determines is necessary due to the structural condition of the
37 property. Leases or other arrangements requiring improvements to be made to a property may include a
38 description of the initially required improvements and performance specifications. Ice time at rinks under
39 the jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the
40 following order of priority: general public skating; non-profit youth groups; high school hockey; for-
41 profit youth groups, and adult organizations or informal groups. Ice time may be allocated at the
42 discretion of the operator, but general public skating shall be booked, in two-hour contiguous blocks at a
43 minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters
44 of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice
45 allocation needs of long-established youth organizations and newly-formed youth organizations in a
46 manner that provides equal opportunity and equal access for youths of each gender. The leases and other
47 agreements authorized in this section shall provide that any benefits to the communities and the costs of
48 improvements and repairs made to the properties provided by the lessees or the recipients of the
49 properties shall be taken into account as part of the consideration for such leases or other agreements.
50 Consideration received from the leases or other agreements for Ulin Memorial Rink in Milton shall be
51 payable to the department of conservation and recreation for deposit into the Blue Hills Reservation Trust
52 Fund in accordance with section 34C of chapter 92 of the General Laws. The lessees or the recipients of
53 the properties shall bear the costs considered necessary or appropriate by the commissioner of
54 conservation and recreation for the transactions including, without limitation, costs for legal work, survey,
55 title and the preparation of plans and specifications.

56 (e) The names of the ice skating rinks and facilities referenced in this section shall not be altered
57 or changed under the leases or agreements without the written consent of the department of conservation
58 and recreation.

59 **SECTION 2.** This act shall take effect 30 days after its passage.