

SENATE No. 2627

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Therese Murray

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 authorizing the town of Sandwich to enter into a lease for the construction of an active recreation facility.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Therese Murray	Plymouth and Barnstable
Jeffrey Davis Perry	5th Barnstable

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act authorizing the town of Sandwich to enter into a lease for the construction of an active recreation facility.

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 any general or special law to the contrary , the board of
2 selectmen of the town of Sandwich may enter into a lease of a portion of the land shown as Parcel B on a
3 plan of land entitled “Town of Sandwich Acquisition of Verbon Trust Property,” dated March 1, 1999 by
4 Outback Engineering, Inc., 321 Grove Street, Middleborough, Mass. and recorded with the Barnstable
5 county registry of deeds in plan book 551, page 32. The lease may be a ground lease of the land only or it
6 may provide for the finance, design and construction of a facility for active recreational use. The lease
7 may be for such term of years and subject to such terms and conditions as the town manager and the
8 board of selectmen deem appropriate.

9 (b) A request for proposals for the lease authorized in subsection (a) shall specify the method for
10 comparing proposals to determine the proposal offering the lowest overall cost to the town including, but
11 not limited to, all capital financing. If the town awards a contract to an offeror who did not submit the
12 proposal offering the lowest overall cost, the town shall explain the reason for the award in writing.

13 (c) Notwithstanding the competitive bid requirements set forth in sections 38A½ to 38O,
14 inclusive, of [chapter 7, section 39M of chapter 30](#) or sections 44A to 44M, inclusive, of [chapter 149 of the](#)
15 [General Laws](#), but subject to section 16 of [chapter 30B of the General Laws](#), an active recreation facility
16 may be constructed under a lease awarded pursuant to this act.

17 (d) Notwithstanding any general or special law to the contrary, a lease awarded pursuant to
18 subsection (a) may include an option or a right of first refusal for the town to acquire the land and the

19 active recreation facility upon termination of the lease. An option or right of first refusal shall be at the
20 sole discretion of the town in accordance with the original terms and conditions set forth in the request for
21 proposals or terms and conditions more favorable and acceptable to the town. A lease entered into
22 pursuant to this act may provide that the town shall not be exempt from liability for payment over the
23 term of the lease of the costs to finance, design and construct the active recreation facility.

24 **SECTION 2.** This act shall take effect upon its passage.