

**SENATE . . . . . No. 1428**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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  
5 chapter 7 of the General Laws or any other general or special law to the contrary, the division of  
6 capital asset management and maintenance, on behalf of and in consultation with the department  
7 of 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:- If  
27 no lease agreement is reached with the town of Canton under subsection (a) before April 1, 2009,  
28 the division of capital asset management and maintenance, in consultation with and on behalf of  
29 the department of conservation and recreation, shall solicit proposals through a request for  
30 proposals which shall include key contractual terms and conditions to be incorporated into the  
31 contract including, but not limited to: (1) a comprehensive list of all recreational facilities  
32 operated by the responsive bidder or offeror in the last 4 years; (2) other facilities management or  
33 experience of the responsive bidder or offeror; (3) a senior citizens' and children's discount  
34 program; (4) reservation policies; (5) proposed reasonable rates that to ensure continued public  
35 access; (6) required financial audits; (7) policies to encourage use of the golf course by persons  
36 of all races and nationalities; (8) safety and security plans; (9) seasonal opening and closing  
37 dates; (10) hours of operation; (11) holiday recognition; (12) grievance processes; (13) clubhouse

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