

SENATE No. 2310

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

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
3 the division of capital asset management and maintenance considers necessary or appropriate,
4 the division, in consultation with the department of conservation and recreation, may lease and
5 enter into other agreements, for terms not to exceed 25 years, to 1 or more proponents, for Ulin
6 memorial rink in the town of Milton, so as to provide for the continued use, operation,
7 maintenance repair and improvement of such state-owned buildings and facilities, together with
8 the land and appurtenances associated therewith,

9 (b) The failure of a city or town to apply for prequalification, as set forth below, shall not
10 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 not less
13 than 30 days for the town of Milton and any nonprofit organizations located within the Town of
14 Milton that desire to bid on the rink listed in this section and located within the town of Milton,

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

34 (d) The lease and other agreements shall be on terms acceptable to the commissioner of
35 capital asset management and maintenance, after consultation with the commissioner of
36 conservation and recreation and, notwithstanding the provisions of any general or special law to
37 the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the

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

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

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