

**SENATE . . . . . No. 2627**

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**The Commonwealth of Massachusetts**

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

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

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

18 (d) Notwithstanding any general or special law to the contrary, a lease awarded  
19 pursuant to subsection (a) may include an option or a right of first refusal for the town to acquire  
20 the land and the active recreation facility upon termination of the lease. An option or right of first  
21 refusal shall be at the sole discretion of the town in accordance with the original terms and  
22 conditions set forth in the request for proposals or terms and conditions more favorable and  
23 acceptable to the town. A lease entered into pursuant to this act may provide that the town shall  
24 not be exempt from liability for payment over the term of the lease of the costs to finance, design  
25 and construct the active recreation facility.

26 SECTION 2. This act shall take effect upon its passage.