SENATE DOCKET, NO. 670 FILED ON: 1/17/2013

SENATE . . . . . No. 1495

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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 adoption of the accompanying bill:

An Act relative to the Max Ulin rink.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	*Norfolk, Bristol and Plymouth*

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SENATE . . . . . No. 1495

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 1495) of Brian A. Joyce for legislation relative to the Max Ulin rink. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1584* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the Max Ulin rink.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the lease of the Max Ulin Skating Rink in the town of Milton,, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

(a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary and using the competitive proposal processes that the division of capital asset management and maintenance considers necessary or appropriate, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may enter into a lease and other agreements, for a term not to exceed 25 years with persons or entities to provide for the continued use, operation, maintenance, repair and improvement of the Max Ulin Skating Rink, together with the land and appurtenances associated with the that rink.

(b) The failure of the town to apply for prequalification, as set forth below, shall not prohibit the town from bidding under this act.

(c) Before the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, sends out a request for proposals under this act, the division shall hold open a prequalification period of not fewer than 30 days for the town

of Milton and nonprofit organizations located within the town to bid on the rink. The town or nonprofit organization that desires to lease the rink under this act may submit materials for prequalification. The prequalification determination may consider, but shall not be limited to considering, the town's or nonprofit organization's ability to finance the capital improvements determined to be necessary at the rink by the division and the ability to manage, operate, maintain, repair and improve the rink, together with the land and appurtenances associated with the rink. The division, in consultation with the department, shall determine whether the town or nonprofit organization is prequalified within 15 days after the end of the prequalification period. If the town or nonprofit organization is determined to be prequalified, then the town or non-profit organization shall be awarded the lease for the Max Ulin Skating Rink under the terms and conditions set forth in this act; provided, however, that only 1 lease shall be awarded based on preference as described in subsection (d).

(d)(1) Preference shall be given to the town of Milton.

(2) If the town and a nonprofit organization are determined to be prequalified, the town shall be awarded the lease.

(3) If more than 1 nonprofit organization is determined to be prequalified, the department may choose to which nonprofit the lease for the rink shall be awarded.

(4) The town or a nonprofit organization awarded the lease under this act shall pay the sum of $1.00 as consideration for the lease, subject to the required capital improvements, performance specifications and other prequalification requirements and terms of the division and submitted proposal. The length of the lease shall be determined between the division and the town or nonprofit organization.

(e) The lease and other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of conservation and recreation and, notwithstanding the provisions of any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the properties and to undertake any initial capital improvements that the commissioner of capital asset management and maintenance determines necessary due to the structural condition of the property. Leases or other agreements requiring improvements to be made to the property may include a description of the initially required improvements and performance specifications. Ice time at the rink shall be allocated to user groups in the following order of priority: (i) general public skating; (ii) nonprofit youth groups; (iii) high school hockey; (iv) for-profit youth groups; and (v) adult organizations or informal groups. Ice time shall be allocated at the discretion of the operator, but general public skating shall be booked, in 2-hour contiguous blocks at a minimum of 12 hours per week, with a range of times and days which reasonably allows for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly-formed youth

organizations in a manner that provides equal opportunity and equal access for youths of each gender. Consideration received from the lease or other agreements for the Max Ulin Skating Rink in Milton shall be payable to the department of conservation and recreation for deposit into the Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General Laws. The lessees shall bear the costs considered necessary or appropriate by the commissioner of conservation and recreation for the transactions including, without limitation, costs for legal work, surveys, title and the preparation of plans and specifications.

(f) The name of the Max Ulin Skating Rink shall not be altered or changed under a lease or other agreement under this act.

(g) No general or special law, rule or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the construction and design of improvements shall be applicable to a selected offeror which is awarded a contract under this act, except as provided in this act.