HOUSE DOCKET, NO. 3128 FILED ON: 1/16/2015

HOUSE . . . . . No. 2835

The Commonwealth of Massachusetts

PRESENTED BY:

Walter F. Timilty

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 authorizing the lease of a certain parcel of land to the town of Milton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Walter F. Timilty	*7th Norfolk*
Angelo M. Scaccia	*14th Suffolk*
Sean Garballey	*23rd Middlesex*

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By Mr. Timilty of Milton, a petition (accompanied by bill, House, No. 2835) of Walter F. Timilty, Angelo M. Scaccia and Sean Garballey for legislation to authorize the Division of Capital Asset Management and Maintenance to lease the Max Ulin skating rink in the town of Milton. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2889* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act authorizing the lease of a certain parcel of land to the town of Milton.

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, the division of capital asset management and maintenance, using those competitive proposal processes as the division considers necessary or appropriate, in consultation with the department of conservation and recreation, shall lease and enter into other agreements with 1 or more persons or entities, for terms not to exceed 25 years, for the continued use, operation, maintenance, repair and improvement of the Max Ulin Memorial Rink, together with the land and appurtenances associated therewith.

(b) The failure of a city or town to apply for prequalification under subsection (c) shall not prohibit that city or town from bidding under this section.

(c) Before the division, in consultation with the department, sends out a request for proposals under this section, the division shall hold open a prequalification period of 30 days for the town of Milton and any nonprofit organization located within the town of Milton that desires to bid on the rink, or for a partnership of municipalities which share geographic boundaries as long as the subject rink is located within the geographic area of the municipalities comprising the partnership. The town, a nonprofit organization or a partnership of municipalities that desires to lease the rink under this section may submit materials for prequalification. The prequalification determination may consider, but need not be limited to, the town's, nonprofit organization's or partnership's ability to finance the capital improvements determined to be necessary at the rink by the division and to manage, operate and maintain the property. The division, in consultation with the department, shall determine whether the town, a nonprofit or a partnership is prequalified within 15 days of the expiration 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.

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

36 (e) The lease and other agreements shall be on terms acceptable to the commissioner of
37 capital asset management and maintenance, after consultation with the commissioner of
38 conservation and recreation and, notwithstanding any general or special law to the contrary, shall
39 provide for the lessees to operate, manage, improve, repair and maintain the property and to
40 undertake initial capital improvements that commissioner determines are necessary due to the
41 structural condition of the property. Leases or other arrangements requiring improvements to be
42 made on the property may include a description of the initially required improvements and
43 performance specifications.

44 (f) Ice time at the rink shall be allocated to user groups in the following order of priority:
45 general public skating; non-profit youth groups; high school hockey, not for profit schools or
46 colleges; for-profit youth groups and adult organizations or informal groups. Ice time may be
47 allocated at the discretion of the operator, but general public skating shall be booked, in 2-hour
48 contiguous blocks at a minimum of 12 hours per week, with a range of times and days which
49 reasonably allow for public skaters of all ages to participate in some public skating sessions.
50 Every effort shall be made to balance the ice allocation needs of long-established youth
51 organizations and newly-formed youth organizations in a manner that provides equal opportunity
52 and equal access for youths of each gender.

53 (g) The leases and other agreements authorized in this section shall provide that any
54 benefits to the community and the costs of improvements and repairs made to the property
55 provided by the lessees or the recipients of the property shall be taken into account as part of the
56 consideration for such leases or other agreements. Consideration received from the leases or
57 other agreements for the rink shall be payable to the department of conservation and recreation
58 for deposit into the General Fund. The lessees or the recipients of the property shall bear the
59 costs considered necessary or appropriate by the commissioner of conservation and recreation for
60 the transactions including, without limitation, costs for legal work, survey, title and the
61 preparation of plans and specifications.

62 (h) The name of the Max Ulin Memorial rink shall not be altered or changed under any
63 lease or agreement entered into under this section.