

**SENATE . . . . . No. 1884**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Therese Murray*

*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 town of Sandwich to enter into a lease for the construction of an active recreation facility .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Therese Murray</i>	
<i>Randy Hunt</i>	<i>5th Barnstable</i>

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Senate, March 17, 2011 - New draft of Senate, No. 1048 reported from the committee on the Municipalities and Regional Government.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2627 OF 2009-2010.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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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, Parcel B on  
2 a plan of land entitled “Town of Sandwich Acquisition of Verbon Trust Property,” dated March  
3 1, 1999 by Outback Engineering, Inc., 321 West Grove Street, Middleborough, Mass. and  
4 recorded with the Barnstable county registry of deeds in plan book 551, page 32, may be used for  
5 water supply and water protection purposes and for active recreational purposes including, but  
6 not limited to, active recreational field and facilities and a golf course; provided, however, that  
7 the board of selectmen may lease such recreational fields and facilities for recreational purposes.  
8 The lease may be a ground lease of the land only or it may provide for the finance, design and  
9 construction of a facility for active recreational use. The lease may be for such term of years and  
10 subject to such terms and conditions as the town manager and the board of selectmen deem  
11 appropriate.

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

17 (c) Notwithstanding the competitive bid requirements set forth in sections 38A½ to 38O,  
18 inclusive, of chapter 7, section 39M of chapter 30 or sections 44A to 44M, inclusive, of chapter  
19 149 of the General Laws, but subject to section 16 of chapter 30B of the General Laws, an active  
20 recreation facility may be constructed under a lease awarded pursuant to this act.

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

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